

BOGGESS

Negro Slavery in the
Northern Colonies

Political Science
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NEGRO SLAVERY

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NORTHERN COLONIES.

BY

Arthur Clinton Boggess.

Thesis for the Degree of Bachelor of Arts

in Political Science

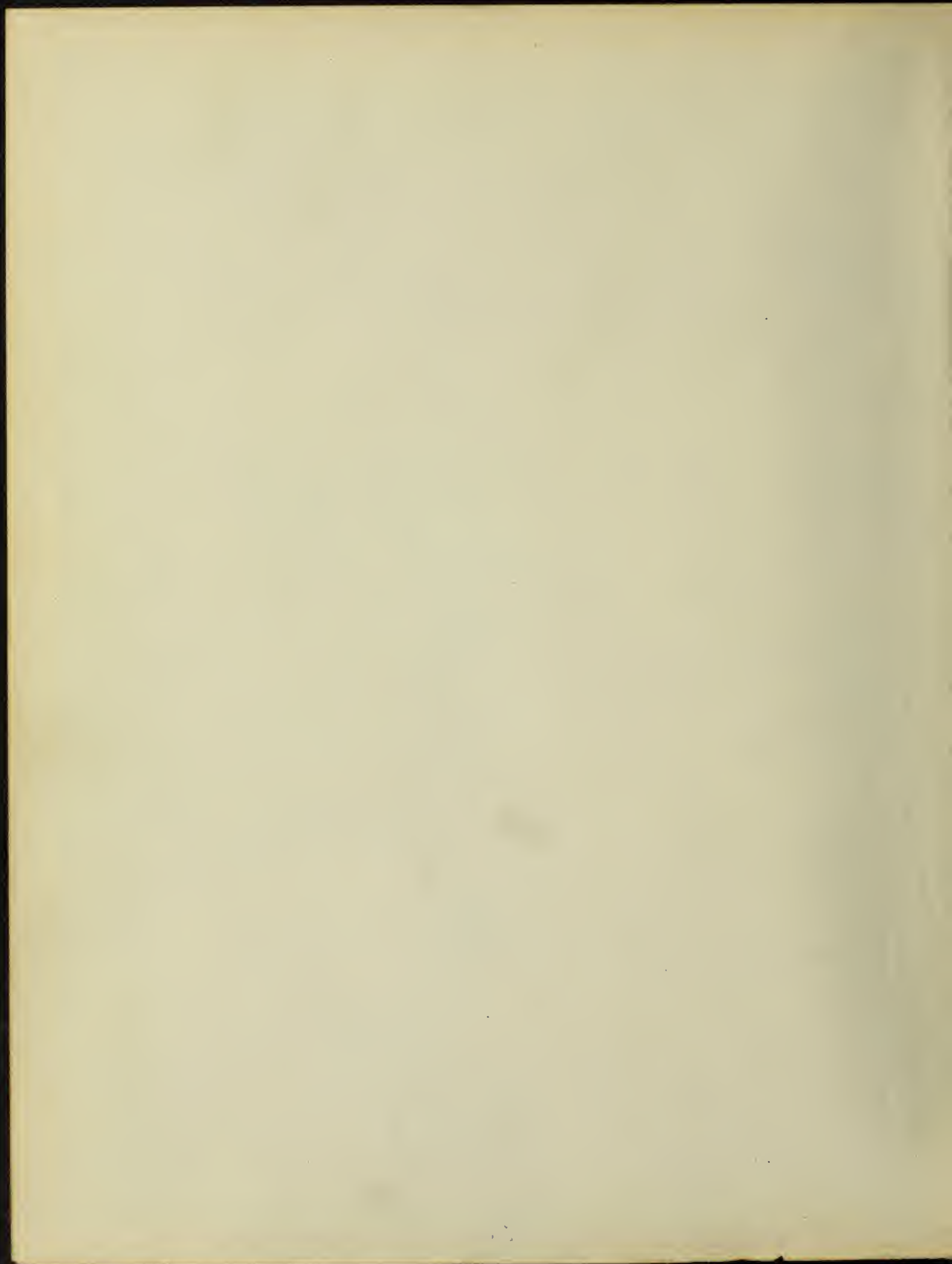
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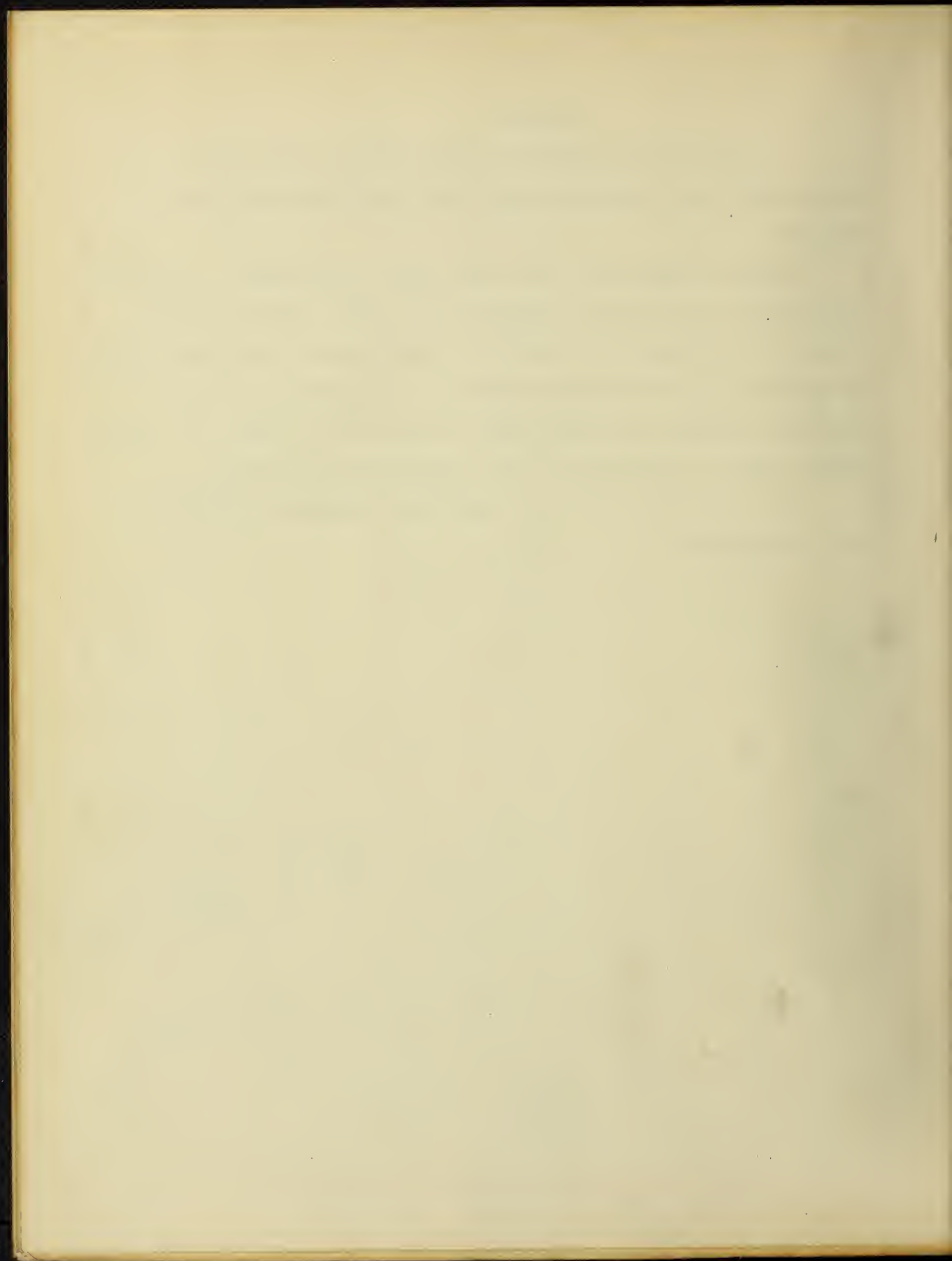


PREFACE.

The word negro appears in the title of this thesis, because both Indian and white slavery was contemporaneous with that treated.

Original sources have been used almost exclusively. The state libraries of New York and Wisconsin have kindly loaned a number of volumes for reference; yet breaks in the narrative have been rendered unavoidable by the incompleteness of the material accessible. This same incompleteness has made it impossible to trace in a satisfactory way the development of the institution of slavery.

The exact text of the most important references is reproduced in the appendices.

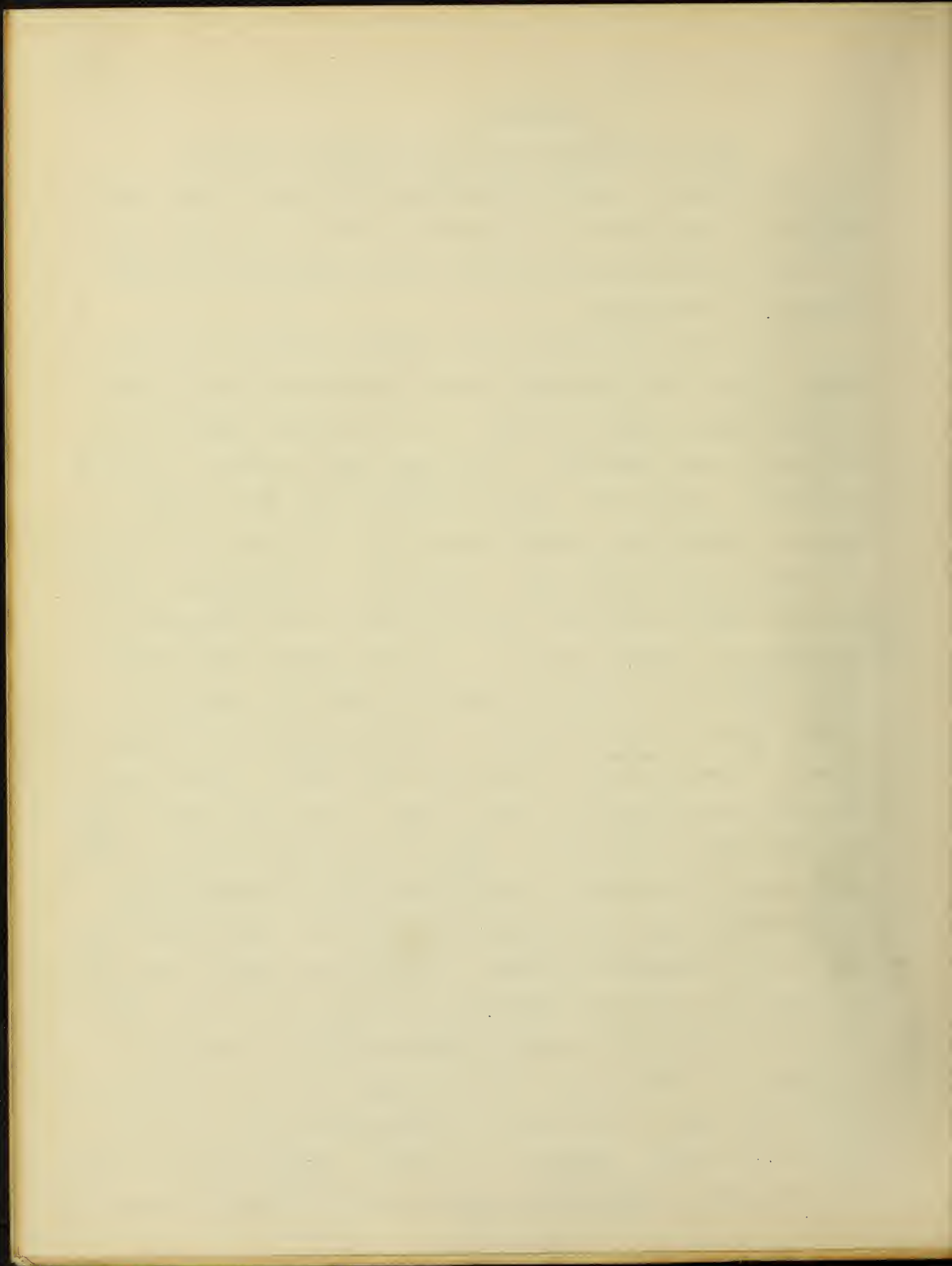


CHAPTER I.

Physical Characteristics of the Northern Colonies.

The history of a people is profoundly influenced by the climate and soil of their country. A history of slavery in a given locality would be but fractional without some consideration of the physiography of the region.

Most of the negro slaves of the thirteen colonies were in the South. Their chief employment was the cultivation of four crops, - tobacco, indigo, cotton, and rice. In the colonial times the first was much the most important. These crops were in demand in European countries. America had a virtual monopoly of the ^o world's supply of tobacco. In the North neither the soil nor the climate was suitable for the raising of these crops. The surface of the northern colonies has suffered glaciation, and the effect has been disastrous to the region as a farming country. A rolling country covered with a fertile soil had the hills and ridges with which its surface was varied deprived of its rich humus. Upon the retreat of the ice ~~sheet~~ ^{rocks}, the underlying ^{rocks} were in many cases left exposed. These rocks ^{the} have now been disintegrated until a light soil has been formed, but ^{the} old time fertility has gone. Rocky glacial moraines abound. The stone fences of New England, resulting from these moraines having been cleared ~~of~~ of their loose stones, are picturesque; they do not, however, entice the ambitious farmer. Not a few New England farms have in these latter days been abandoned. It will now be readily understood that farming in the North, if successful at all, required a high degree of intelligence. This the negro slave did not possess. We have seen that the four southern crops mentioned could not be ~~g~~ grown in the North. The reason is evident. Tobacco requires for its best growth a rich soil and a warm summer. Although it can be

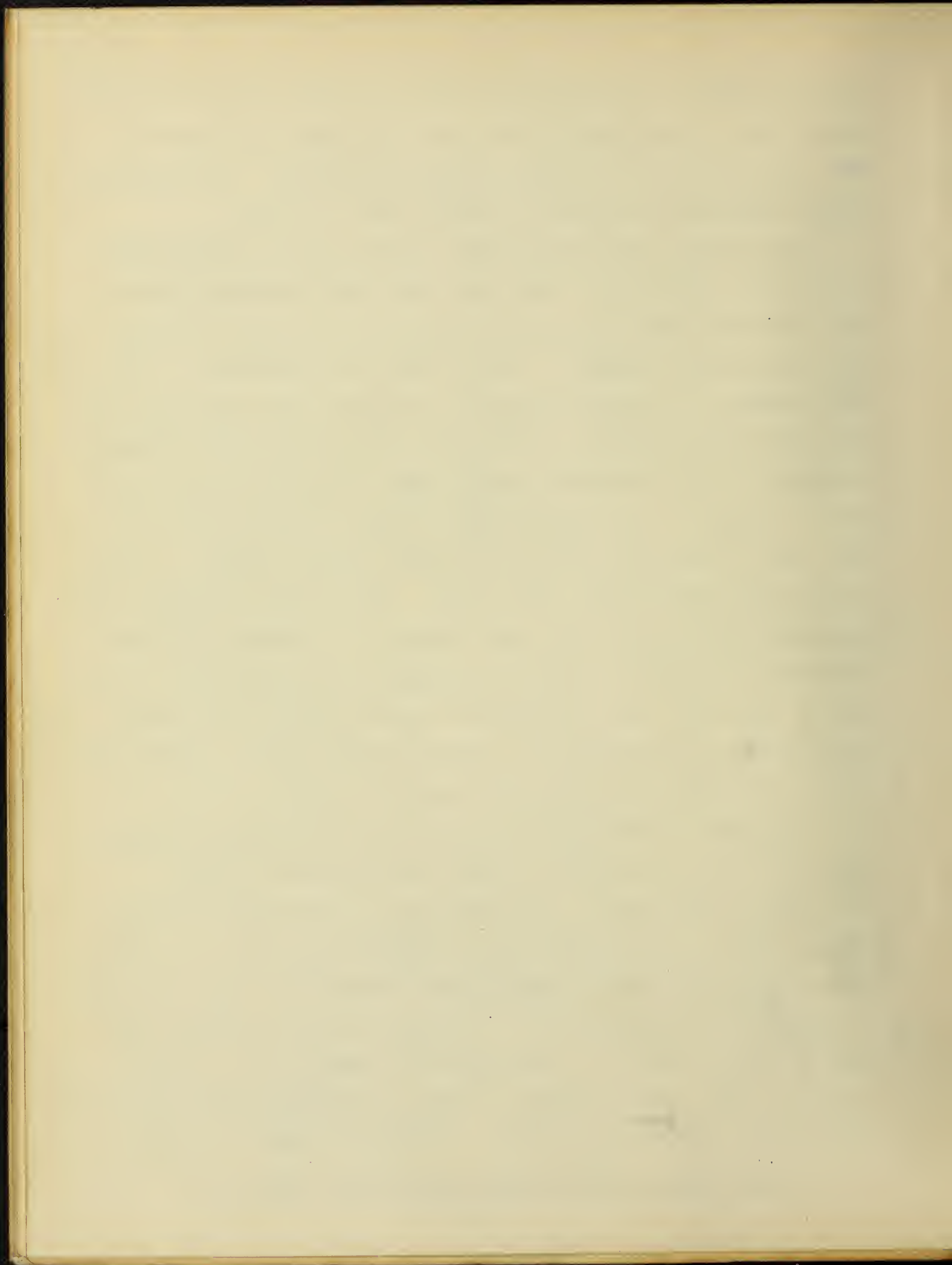


precariously¹ grown in the northern states, the poor soil and the short summer make it impossible to raise there the quality and quantity ~~that~~ can be secured from a like acreage in the South. The northern climate precluded the growth of indigo, rice, or cotton.

The northern colonists had little reason for the establishment of extended plantations. They could raise many vegetables and cereals, yet even these could be cultivated only in fields of narrow area and irregular contour. Nor was there any inducement to raise these products in any great quantity, for Europe could raise her own corn, oats, and vegetables, although her need for southern products was great. So the northern colonies were not soon to become commercial on account of their agricultural products. The North did, however, have the materials for ship building, and the energetic people who made good shipbuilders and sailors. These people, debarred from agriculture on a large scale, soon learned to be carriers and manufacturers - a resource to which many peoples so situated have turned. Thus it came about that the North¹ had a great interest in the slave trade because of her function of carrier for the South. Slaves were used in the North as servants, as we shall see later.

The climate of New England is much colder and much more changeable than that of the South or of the Guinea coast of Africa. This fact is significant. The temperature of New England in the summer is 68° F.; in the winter it is from 23° F. to 32° F. The temperature of the Guinea coast is almost uniform at 77° F., the yearly variation not exceeding 9° F. The yearly variation in New England is not less than 77° F. and may be in excess of 77° .¹ Guinea is on the slave coast of Africa. Most of the negroes imported to the colonies came ^{from} ~~to~~ this region. So marked a change of climate

1. Sydow - Wagners methodischer Schul-Atlas, Plate 7.



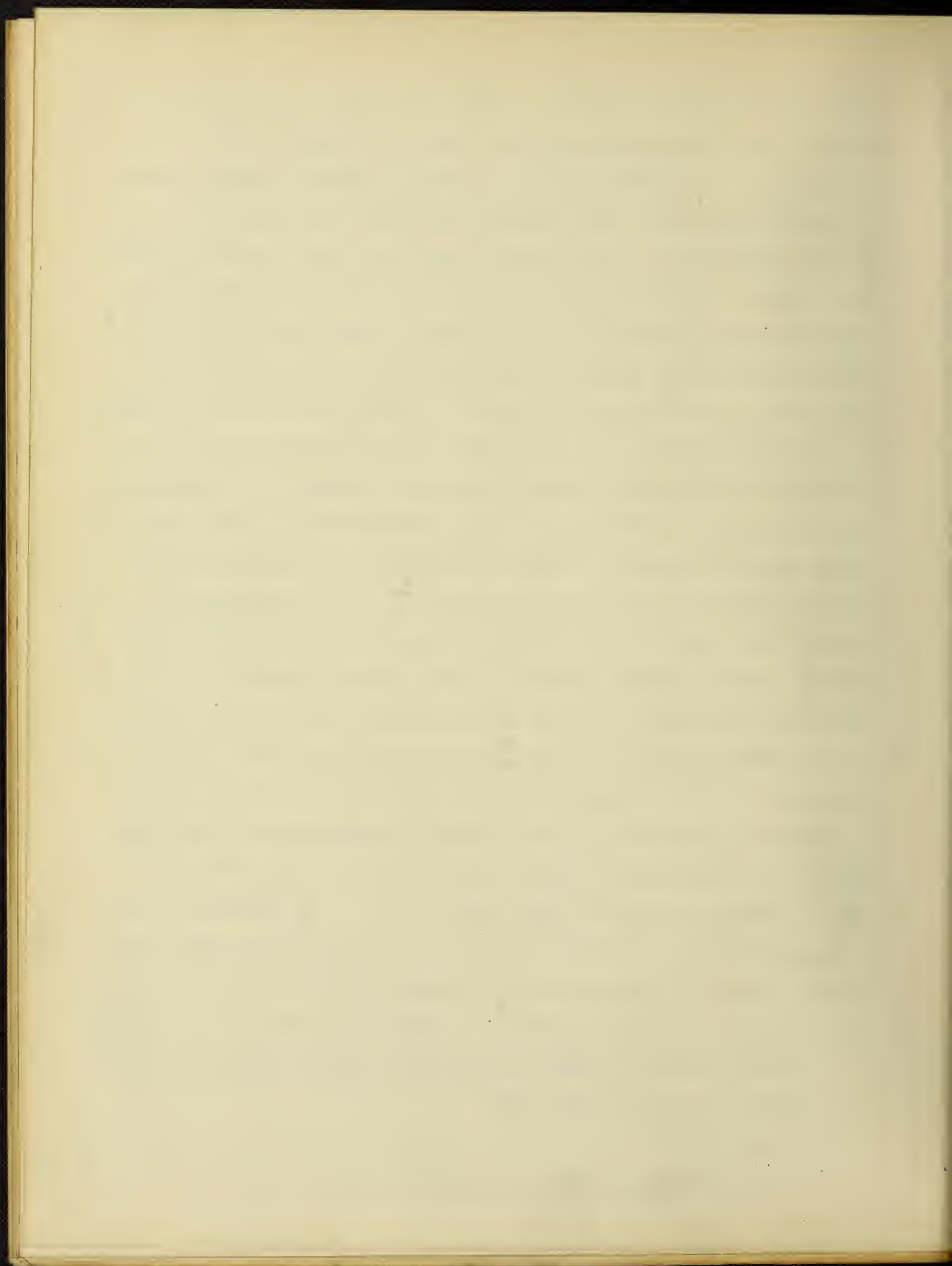
4.

could not but have its effect. What that effect is any physician who has had a considerable practice among the negroes in the North can testify. A professor who as a medical student examined scores of negroes in ^{at} ~~the~~ St. Louis hospital says that he believes that not one had sound lungs - that many had lungs that were seriously affected. "During the (Civil) War consumption carried off nearly three times as large a proportion of the colored troops as of the whites".^{1.} In North Carolina in 1895-6 the death rate of the whites was 14.1, and of the colored 24.5 per thousand. "The largest number of deaths was from tuberculosis, the death rate from that disease alone being 1.67 for the whites and 4.47 for the colored people, the proportion being one white to 2.67 colored. While tuberculosis is much more prevalent among the negroes living in the towns, it is becoming more and more common in the country districts".^{2.} A like testimony is given by the report of the mortality among the patients in the New Orleans charity hospital during the period 1884 to 1893. "It is found that, although the white hospital population far exceeded that of the negro element, the number ^{of} ~~of~~ deaths from tuberculosis was only 886 among the former against 936 among the latter, or nearly twice as frequent in proportion to the average hospital population. Diseases of the respiratory organs show an excessive prevalence and ~~r~~ rate of fatality among the negro population. The decennial rate of prevalence was 9.13 for the white and 14.36 for the colored population, while the actual per cent of mortality was 31.43 for the former and 46.49 for the latter".^{3.} If such be the case in the South,

1. Sixth Biennial Report of the North Carolina Board of Health, 1895-6. Winston, 1897. 145.

2. Ibid., 212.

3. Am. Statistical Ass'n. Pub. 1896-7 315.



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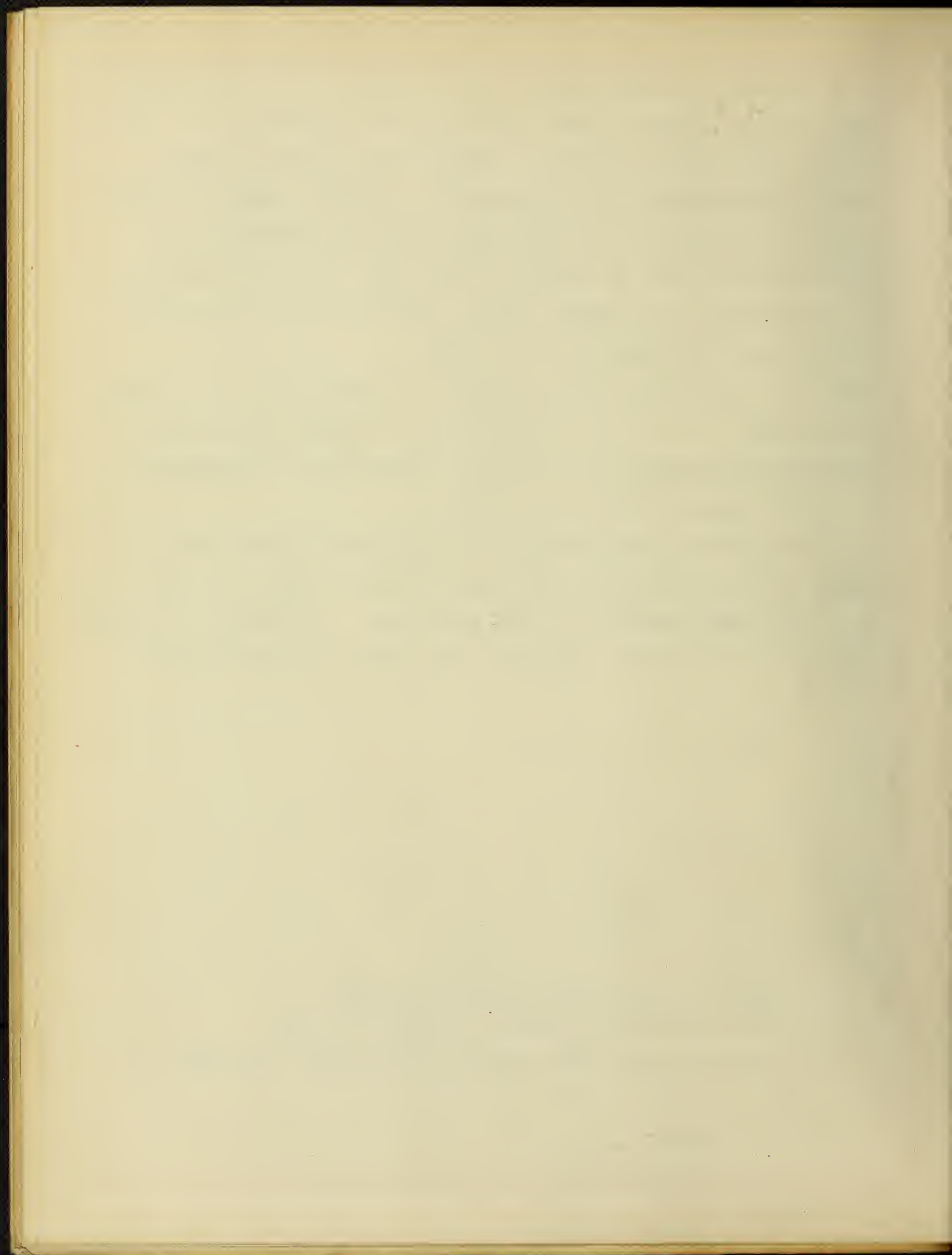
it was surely not without reason that the suggestion of introducing negro slave¹ ^{to} in Canada in 1688 called forth the objection that "those negroes coming from a climate so different may perish in Canada, and this project would then be useless".¹ Governor Dudley of Massachusetts writing in 1710 to the Lords of Trade in defense of the fugitive slave clause in the act of 1705 says "they will always run to the Southward, for warmer weather, and as the cold is disagreeable to them so it demands of the master much more cloathing, and gives him much less service, for six months in the year".² It is not entirely true that negroes who ran away always went Southward, for some went to Canada,³ yet the reasoning of Governor Dudley was not ill founded.

The physical characteristics of the northern colonies made domestic slavery relatively unprofitable as compared with the South, while they made commerce in slaves profitable. The facts of history which are to follow will illustrate both phases of this statement.

1. Doc. rel. to Col. Hist. of N. Y. IX, 398.

2. Acts and Resolves of Prov. of Mass. B, I, 580.

3. Doc. rel to Col. Hist. of N. Y. X, 138, 131; IV, 1168.



CHAPTER II.

Characteristics of the Negro Race.

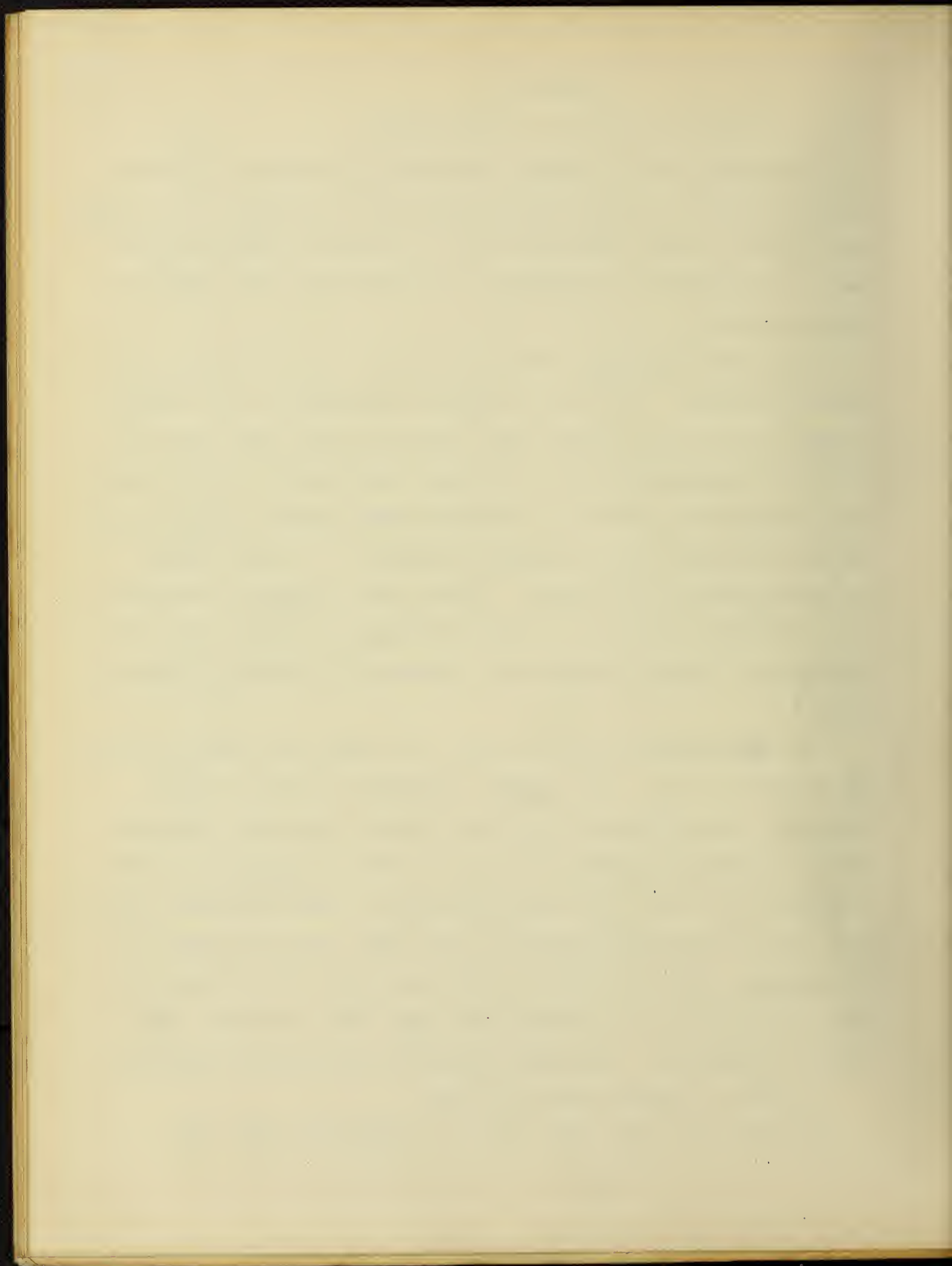
The history of the slavery of any people is affected by their characteristics. Because of differences in this respect the history of negro slavery is far removed from that of Hebrew or Indian slavery. Some of the qualities of the negro are sufficiently well defined to deserve mention.

Long before the days of Topsy the negro's art of dissimulation had been remarked. As early as 1760, the geographer to the Prince of Wales in writing of negroes said: "They are well well versed in the art of dissimulation, and the most stupid Negro is to his master an impenetrable mystery in the most common affairs, while he sees through his master with the greatest alacrity".¹ In this respect the negro resembles the Indian. Surely more consummate dissimulation is rarely shown than that of the Indians who treated with the governors of Virginia and New York concerning the return of fugitive slaves.²

In talkativeness the negro excels the Indian, and shows a striking contrast to him. "The Indians in general are little talkers, especially before strangers, in whose presence they are, as we may say, of an affected modesty. It is not so with the Negroes, who are unmerciful tattlers. The two nations are of very different tempers, though the Creole Negroes are born under the same climate as the Indians. You are forced to draw words from these, while you cannot help beating the others to make them hold their peace, and often to no purpose. There are nations who will suffer cutting in

1. Hist. of America, Part II, 186.

2. Doc. rel to Col. Hist. of N. Y. V, 674, 796, 965, 966.



pieces, rather than hold their tongues , when once they have begun their chatter. These poor creatures sacrifice to this idol of prating even their repose at night, which ought to be precious to them, and in which one would think, they should be glad to lose the memory of their hard labor".^{1.}

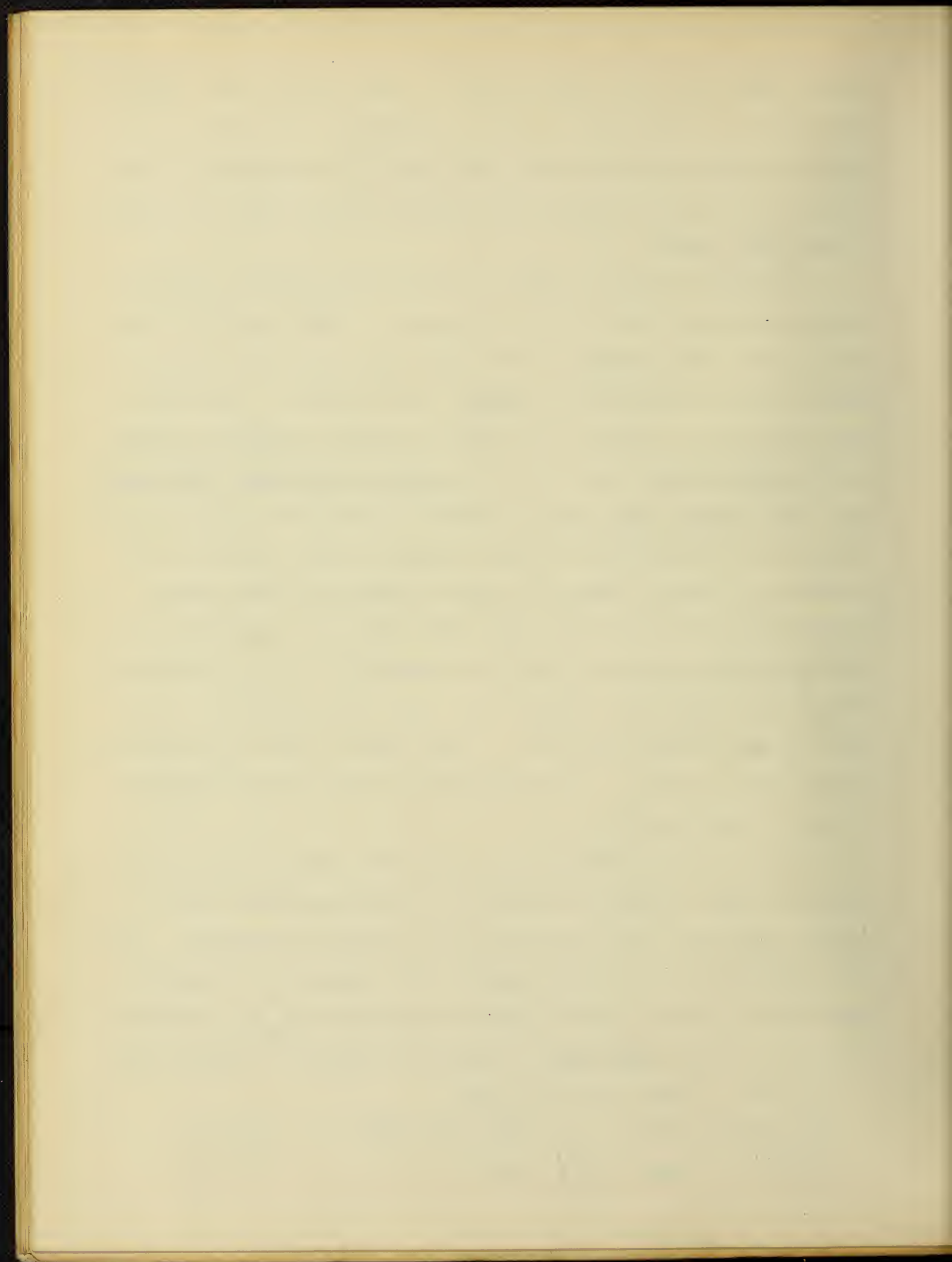
A feeling of pride is common to Indians and negroes. An amusing illustration of this has been recorded. "An instance"- of this mutual pride- "was observed in the mutual reproaches that one day passed between a Negroe and an Indian , both slaves. The Negroe said, speaking of himself in his broken language, Me sugar, me roucou, me silver; Thee, speaking to the Indian, Thee knife, thee hedge-bill, thee rassade, thee cloth. He meant by this, that he was truly sensible of his condition, but that, though he was a slave, he was purchased with money, sugar, or roucou, commodities more valuable and far beyond rassade, cloth, and a few knives and hedge-bills, ~~w~~ which are usually given in traffic for Indians".^{1.} A like spirit was shown by the negro who, although " he earned two dollars in a forenoon",^{2.} thought himself underpaid. John Adams to whom the complaint was made says, however, " this flattering, fond opinion of himself, is found in every man".^{2.}

Superstition and credulity are prominent traits of the negro character. "These unhappy creatures own, without ceremony, that an interior sentiment tells them they are an accursed generation. The most sensible among them, for example, have learned by a tradition, perpetuated in their country, that this misfortune is the consequence of the sin of their Papa Tam, who mocked his father".^{3.} During a mil-

1. Hist. of Amer., Part II, 236.

2. Life and Works of John Adams, II, 280.

3. Hist. of Amer., Part II, 186.



8.

itary engagement at Providence, Rhode Island, a bullet came through the door. A negro man seated himself composedly before the bullet hole, remarking to his master: "Massa, you never ^{know} two bullet go in one place".¹ A slave killed a woman, because "he had been told that if he should kill some one and run away he should be free".² Perhaps to credulity should be assigned the insurrections of negroes when there was not the slightest chance of their success.³ A torch and a bludgeon seemed to them sufficient equipment.³

Thievishness of negroes has become proverbial. Booker T. Washington in a lecture ^{which I} heard, said that slaves were taught to steal by their masters- and wittily added that we should be patient with his race and they might learn in time to steal a railroad, after the manner of the whites.⁴ The Appolo, Boston, declares that the whites knew the time of a negro dance by the number of stolen chickens.⁵ Rev. Jonas Michaëlius writing from New Netherland, August 11, 1628, to Rev. Adrianus Smoutius says: "The Angola slaves are thievish, lazy and useless trash".⁶

The fact that the negro has ^{some} native power of imagination and of fine feeling is attested by the poetry of the remarkable Phyllis Wheatly and by the hypothesis of the negro Glasgow concerning the introduction of evil into the world.⁷ Chastelleux tells of a negro servant of Mr. Langdon of Portsmouth, New Hampshire, ^{who} said to his master as he accompanied him to war "Master, you are hurting your -

1. Thacher's Journal, 175.

2. Conn. Hist. Coll. , 548.

3. Hist. of Amer., Part II, 54, 133, 139.

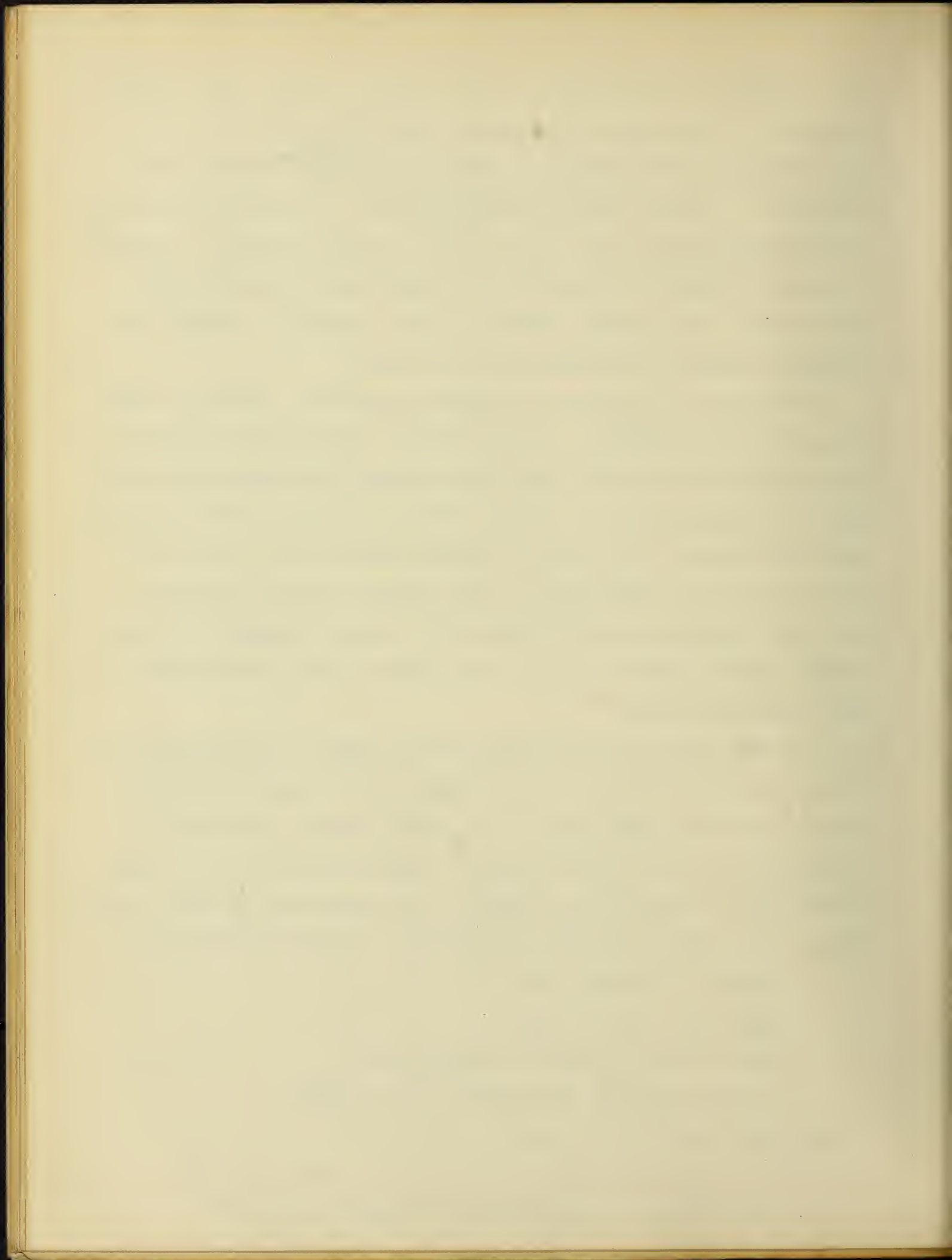
4. Lecture delivered at Danville, Ill., in 1900.

5. Hist Mag. VII, S.S., 11.

6. Doc. rel. to Col. Hist. of N. Y., II , 768.

7. Top. Desc. of the Western Territory of N. A., 229.

8. Life and Works of John Adams, II, 262.



9.

self, but no matter, you are going to fight for liberty; I should suffer also patiently if I had Liberty to defend." "Don't let that stop you," replied Mr. Langdon, "from this moment you are free". The negro followed him and behaved with courage.^{1.} Negroes won the confidence of their masters to a sufficient degree to be allowed to train with the militia, but this practice, begun in 1652, was discontinued in 1656, since cases of negroes' training were found "upon experience**either wanting or inconvenient".^{2.} The very best illustration of the capacity of colonial slaves which has come to my hand may be the petition presented by nineteen slaves of New Hampshire to the Council and House of Representatives of that state on November 12, 1779, praying for their freedom. The rhetoric of the petition is not faultless, but it displays noble feeling.^{3.}

Upon the occasion of the murder of two Indian women at Detroit by a negro, Sir William Johnson explained to the Indians by saying: "You know he is of a different Colour & disposition from us, so that his action cannot be attributed to the English".^{4.}

Negroes were regarded as being able to subsist more cheaply than the whites.^{5.}

The question as to whether Creoles, considered merely as slaves, were an improvement upon the full blooded negroes is an open one. "The Creolian Negroes, to whatever stock they belong, inherit nothing from their parents, but their spirit of slavery, and their colour. They have more sense, penetration, and dexterity, but are, on the

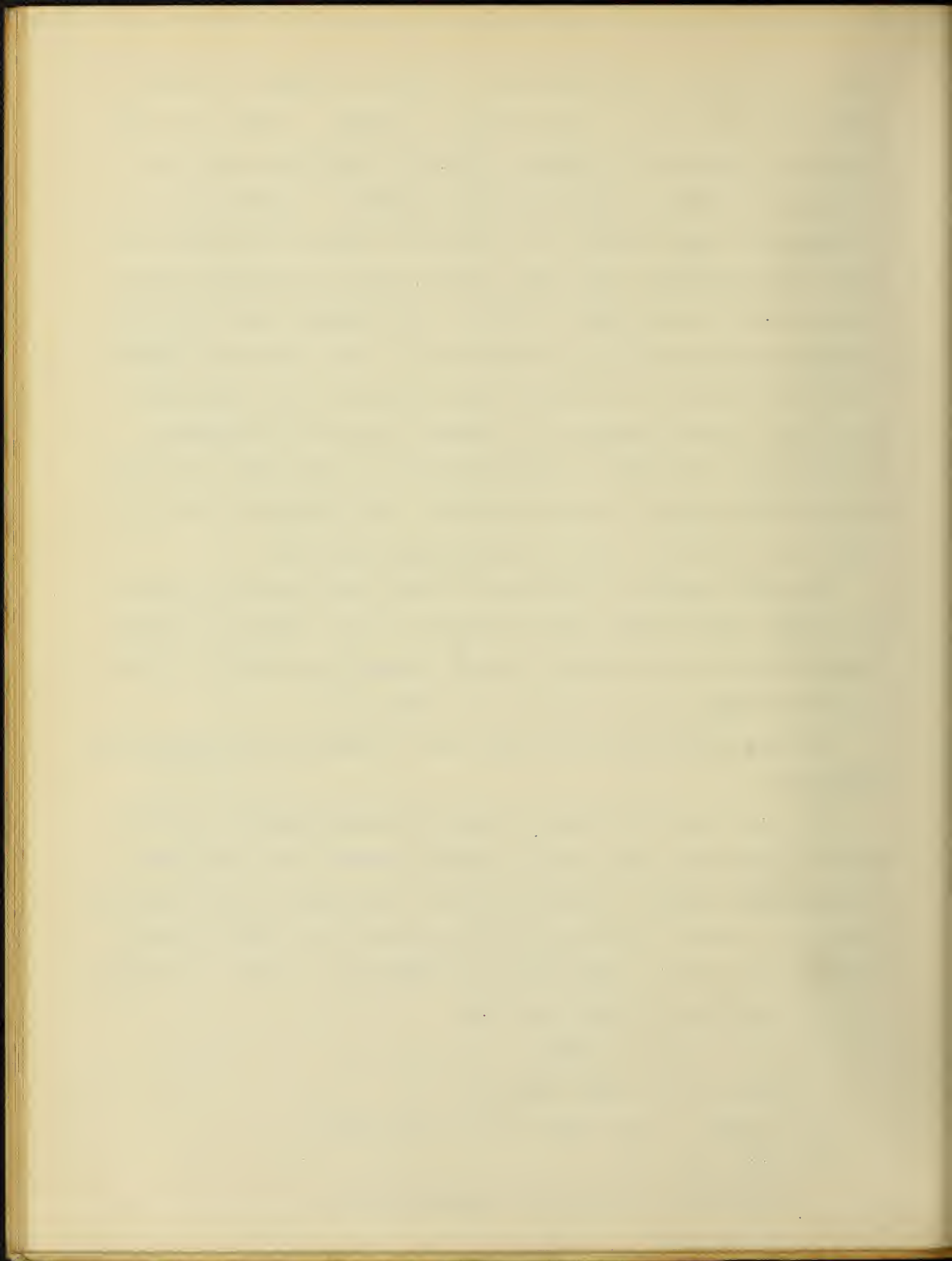
1. Chastellux's Travels, II, 233.

2. Rec. of Mass. III, 268.

3. Mag. of Amer. Hist. XXI, 63.

4. Doc. rel. to Col. Hist. of N. Y. VII, 856.

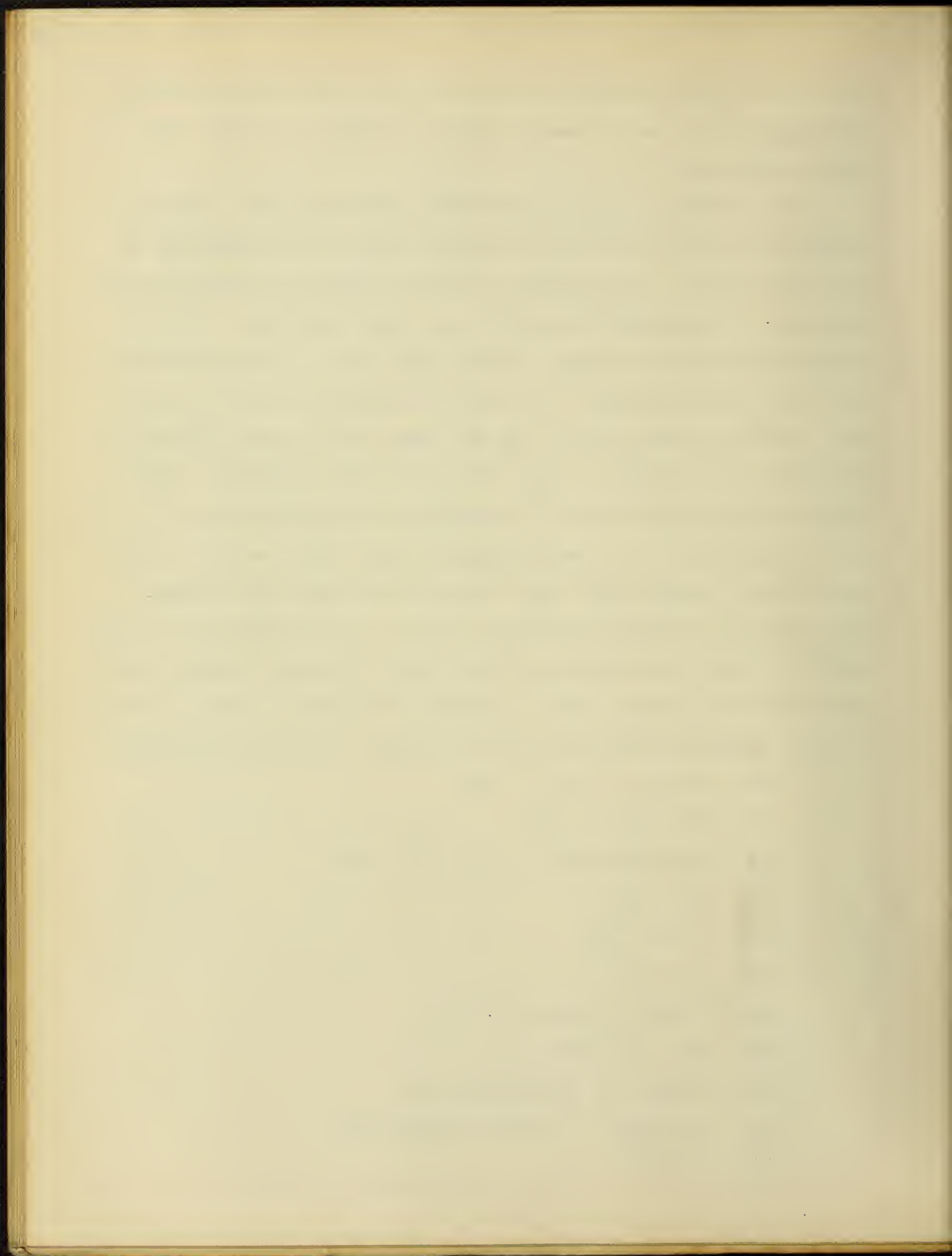
5. Ibid. VII, 612.



other hand, greater boasters and bullies, and more dissolute than the Dandas, which is the common name of all those that come from the coast of Africa!"^{1.}

In the annals of crime the northern negro does not, probably, figure more largely than would an equal number of white persons in the same locality. The murder of Betsey, daughter of Reverend John McHistry, of Ellington, Connecticut, has been mentioned. It was she who was killed by a negro who had been told that the act would gain for him his freedom.^{2.} Four New York negroes killed an Indian who, strangely enough, asked upon his death bed that they should be pardoned. As a result the ring leader alone was executed.^{3.} That negroes occasionally ran away^{4.} is certainly not surprising, nor is it to be wondered at that a Massachusetts slave should enroll in a Rhode Island regiment when such action would secure his freedom.^{5.} Samuel Sewall records the execution of both a white woman and a negro woman^{6.}, in 1693, for infanticide,^{6.} also that of a negro man for arson.^{7.} The burning of a negro woman for murder in New York in 1708, certainly casts a severe reflection upon the whites. This was not, more-

1. Hist. of Amer., Part II, 186.
2. Conn. Hist. Coll., 548.
3. Doc. rel. to Col Hist. of N. Y. IV, 997.
4. Ibid. III, 458.
- Ibid. X, 138, 131.
- Ibid. IV, 1168.
- Rhode Island Col. Rec. VIII, 457.
- Hist. Mag. VII, S.S., 44.
5. Rhode Island Col. Rec. VIII, 408.
6. Mass. Hist Coll. V , Fifth Series, 379.
7. Ibid. VI, 142.



11.

over, a lynching. it was a legal sentence.^{1.} Mob violence^{2.} and insurrection of the negroes was often feared and sometimes the fears were well grounded. Two very considerable disturbances took place in New York. The first was the conspiracy of April 6, 1712, in^{3.} which about twenty-three negroes attempted a massacre of the whites. Nine whites were killed and five or six were wounded. For this conspiracy six negroes committed suicide and twenty- one were executed of whom " some were burnt, others hanged, one broke on the wheele, and one hung alive in chains in the town".^{3.} No wonder the Governor (Hunter) wrote to the Lords of Trade "21 are executed, and six having done that Justice on themselves mor have suffered than we can find were active in this bloody affair".^{3.} The other considerable disturbance was the burning of the fort and the buildings which it enclosed on March 18, 1741. This also was a conspiracy to burn the entire town and massacre the whites. The conspiracy was unearthed with extreme difficulty, yet as early as August 24, 1741,^{4.} Lieutenant-Governor Clarke was able to write to the Lords of Trade : "I beg leave before I conclude to acquaint your Lordships that of the conspirators there have been executed Three Whites and Twenty-nine negroes, pardoned One White Woman, viz^t, Husons daughter and pardoned and transported Eighty Negroes besides eight Negroes not indicted but being accused and strongly suspected to be guilty their masters consented to transport them".^{4.}

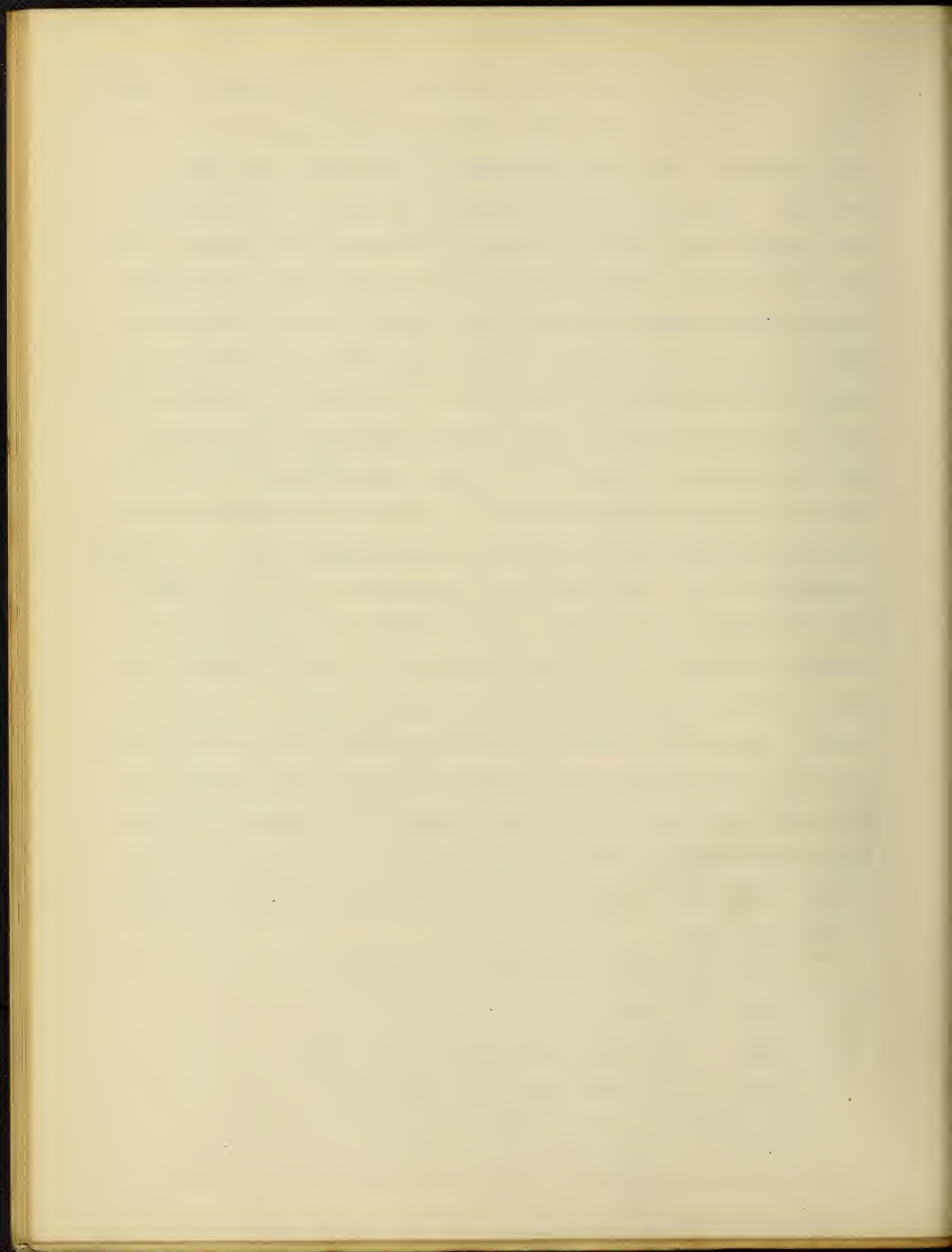
1. Doc. rel. to Col Hist. of N. Y. V, 39.

2. Ibid. VII, 759.

3. Ibid. V, 341, 346, 356, 360, 367, 371, 524..

4. Ibid. VI, 185, 187, 197, 196, 203, 213.

Ibid. VI, 203.



CHAPTER III.

The Number of Negro Slaves.

The number of negro slaves in the North was inconsiderable when compared with the number in the South. The reasons for this difference have been given in the discussion of the topographical^{character} of the North.

In 1678, Governor Andros reported "but very few slaves"^{1.} in New York. In 1698 there were 2170 negroes.^{2.} In 1708 and 1709^{3.} the Queen^{4.} asked for a census. The Lords of Trade sent a similar request in 1715.^{5.} Governor Hunter complained that the superstition of the people was such as almost to preclude the taking of a census.^{6.} In 1723^{7.} there were 34393 whites and 6171 negroes. In 1726, 2395 slaves were reported as having been imported into New York between 1701 and 1726.^{8.} In 1731, 43⁰40 whites and 7202 blacks were reported;^{9.} in 1737, 51496 whites, 8941 blacks;^{10.} in 1746, 50872 whites, 9107 blacks (No enumeration was made in Albany County on account of the enemy).^{11.} In 1749 Governor Clinton encountered so violent an opposition that he could take no census.^{12.} In 1749, 62756 whites, 10692 blacks were reported;^{13.}

1. Doc. rel. to Col. Hist. of N. Y. III, 261.

2. Ibid. IV, 420.

3. Ibid. V, 56.

12. Ibid. VI, 524.

4. Ibid, V, 136.

13. Ibid. VI, 550.

5. Ibid. V, 413.

6. Ibid. V, 456.

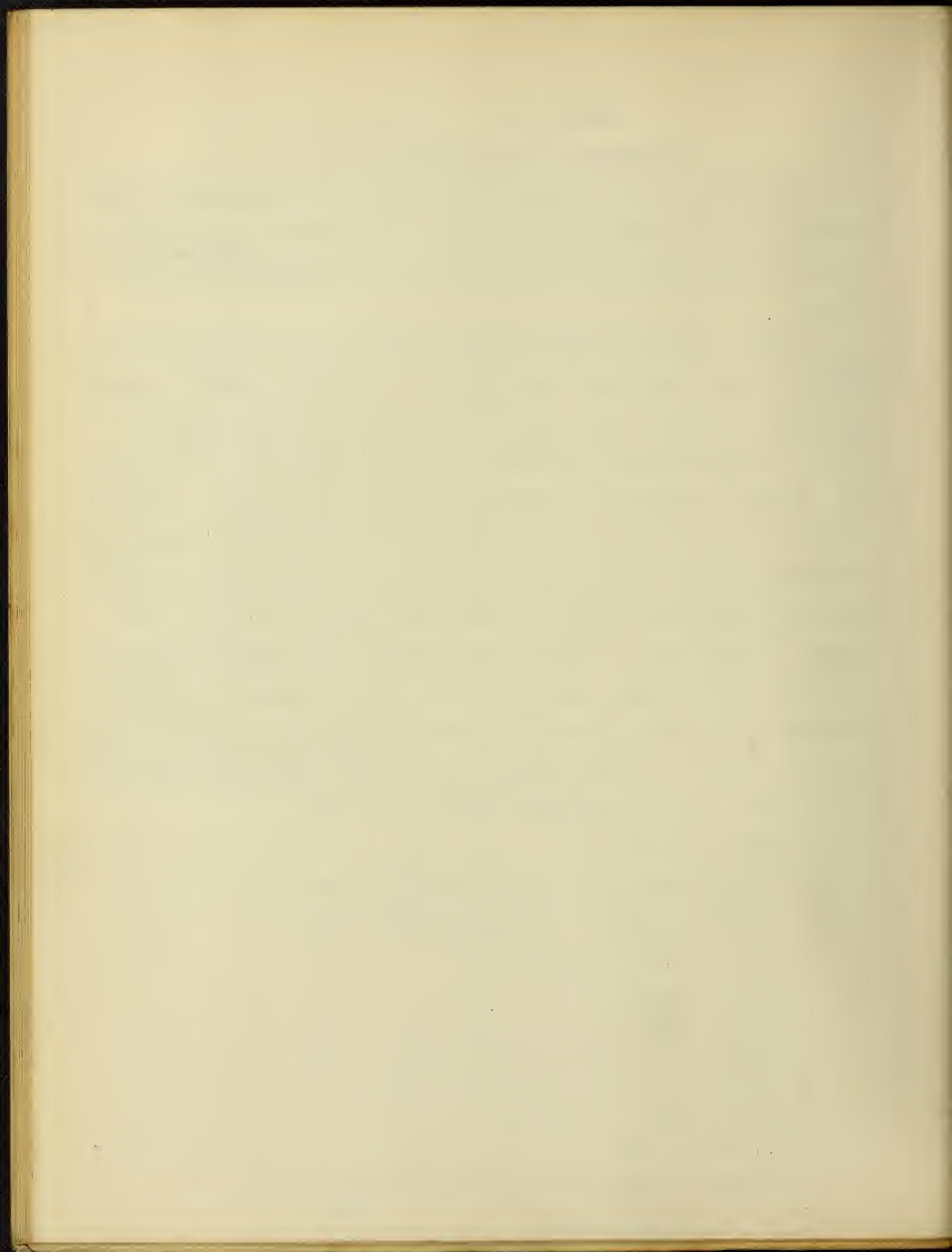
7. Ibid. V, 702.

8. Ibid. V, 814.

9. Ibid. V, 929.

10. Ibid. VI, 133.

11. Ibid. VI, 392.



in 1771, 148124 whites, 19883 blacks;^{1.} in 1774, 161 098 whites, 21149 blacks.^{2.}

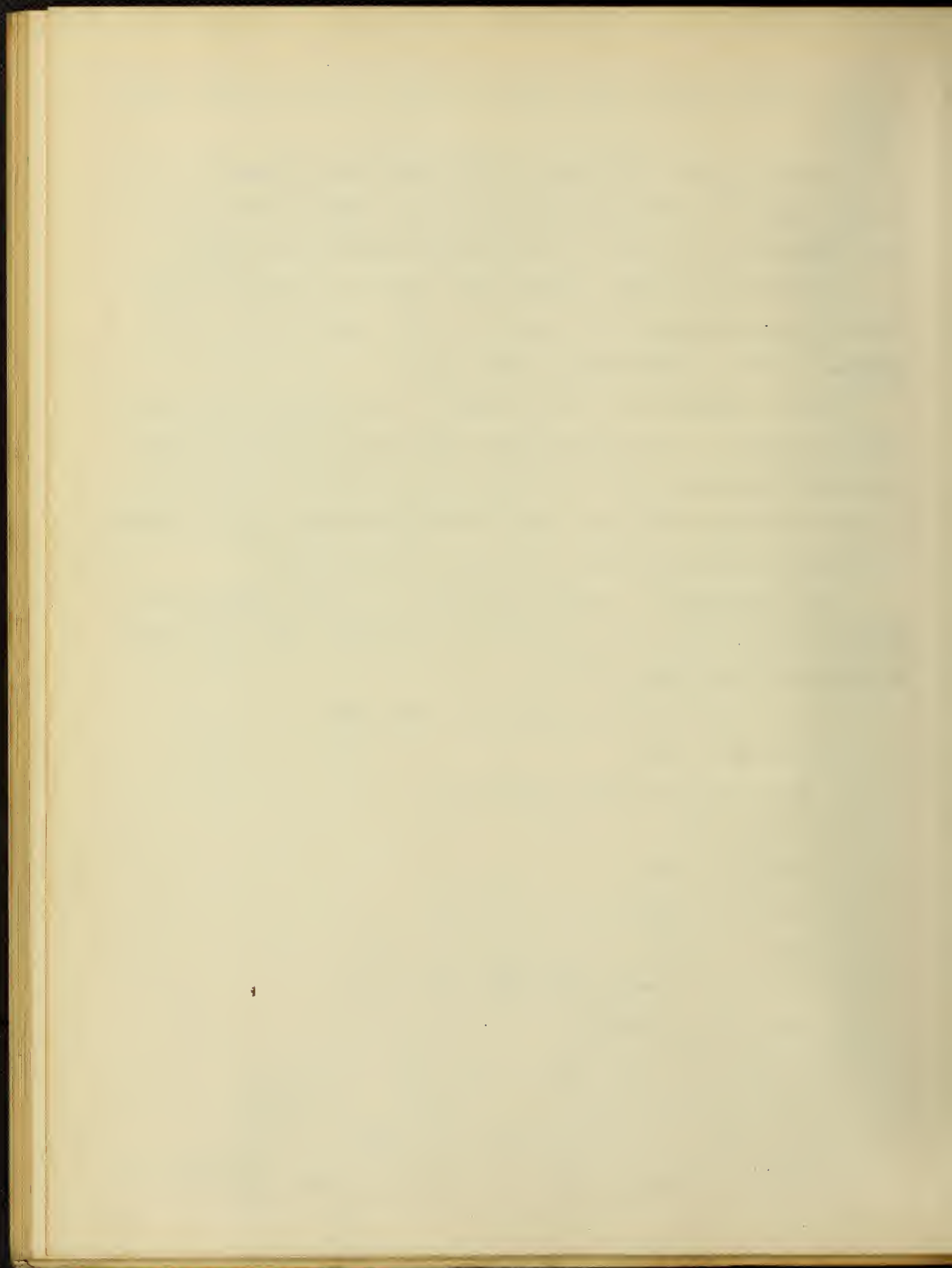
In Rhode Island there were in 1708, 426 black servants;^{3.} in 1748-9, 3077 negroes;^{4.} in 1774, 54435 whites, 3761 blacks;^{5.} in 1780, but 518 "slaves from 10 to 50";^{6.} in 1782, 51869 mulattoes and blacks.^{7.}

Connecticut, in 1680, reported "not above 30" slaves;^{8.} in 1749, "about 70000 whites and 1000 blacks";^{9.} in 1756, 126975 whites, 3019 negroes;^{10.} in 1774, 191392 whites, 6464 blacks.^{11.}

From New Hampshire in 1721 was sent to the King the report: "The number of people in this Province upon the arrival of Colonel Shute, the present Governor, in the year 1716, was computed at about 9000, of which there were 1500 men, very few white servants, and 150 blacks: the increase during the last four years, was about 500!"^{12.}

From Massachusetts, Governor Bradstreet, in 1680, reported concerning blacks: "There may be within our Government about one hundred or one hundred and twenty".^{13.}

1. Doc. rel. to Col. Hist. of N. Y. VIII, 457.
2. Ibid. VIII, 449.
3. Rhode Island Col. Rec. IV, 59.
4. Ibid. V, 270.
5. Ibid. VII, 253.
6. Ibid. IX, 169.
7. Ibid. IX, 653.
8. Col. Rec. of Conn. 1678- 1689, 298.
9. Ibid. 1744- 1750, 596.
10. Ibid. 1772- 1775, 492.
11. Ibid. 1772-1775, 491.
12. Doc. rel. to Col Hist. of N. Y. V, 595.
13. Hist of Slavery in Mass., 49. M. H. S. Coll., III, VIII, 337.



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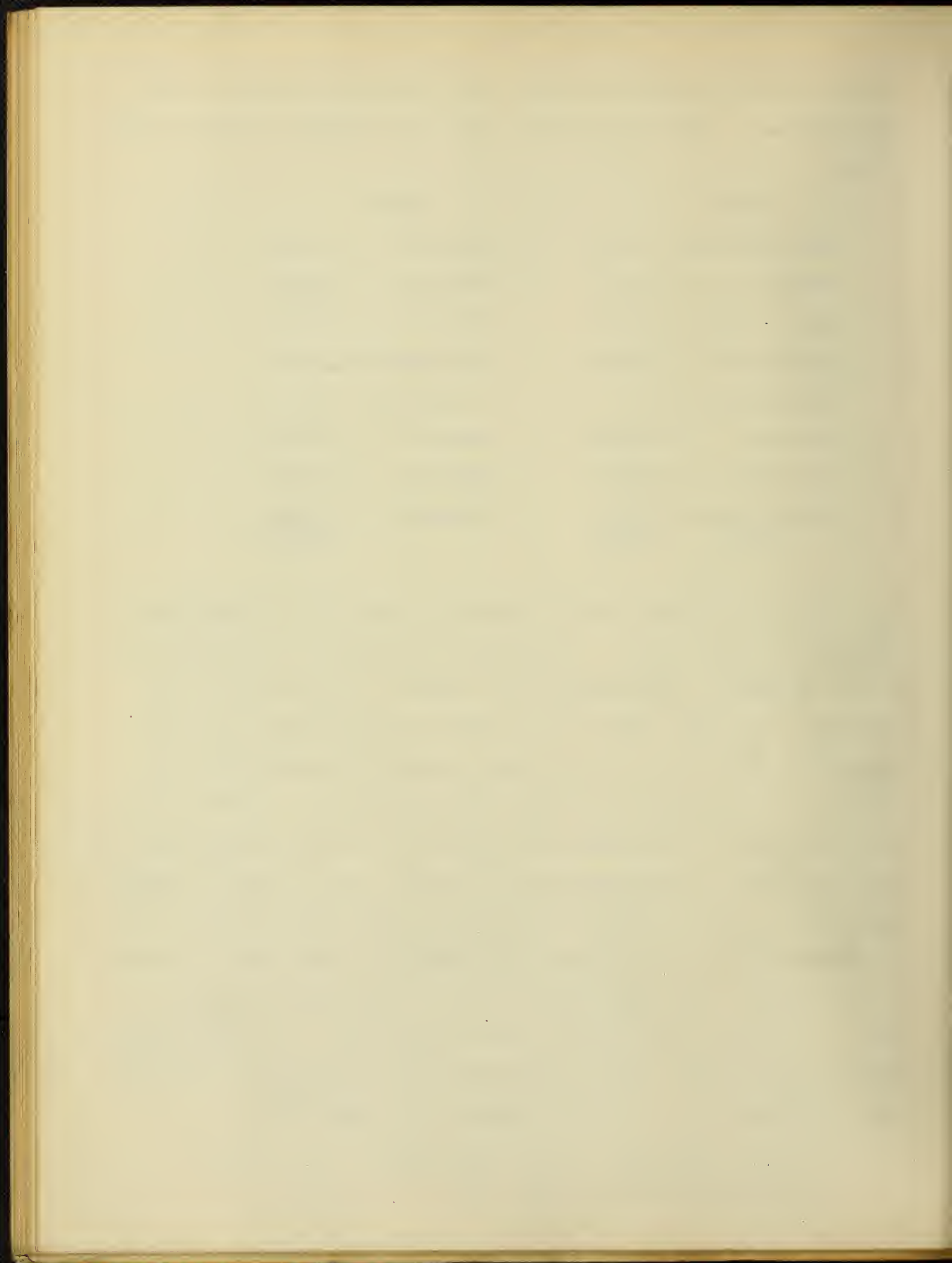
"According to the census of 1790, there were 697897 slaves in the United States. These were divided among the different states as follows:

North	South
New Hampshire-----158.	Delaware-----8887.
Vermont-----17.	Maryland-----103036.
Rhode Island -----952.	Virginia-----293427.
Connecticut-----2759.	North Carolina100572.
Massachusetts---- .	S. Carolina---107094.
New York-----21324.	Georgia-----29264.
New Jersey-----11423.	Kentucky-----11830.
Pennsylvania-----3737.	Tennessee-----3417.
Totals 40370.	657527. /

It will be noticed that no slaves are accredited to Massachusetts by the first census. Concerning this point the following notes are of interest. "Massachusetts has enjoyed the distinction of appearing in the first census of the United States without any slaves among her population. The following anecdote connected with this subject it is believed, has never been made public. In 1790 a census was ordered by the General Government then newly established, and the Marshal of the Massachusetts district had the care of making the survey. When he inquired for slaves, most people answered none: if anyone said that he had one, the Marshal would ask him if he meant to be singular, and would tell him that no other person had given in any. The answer then was, 'If none are given in, I will not be singular,' and thus the list was completed without any number in the column for slaves. Life of Belknap, pp. 164-5." ^{2.}

1. Const. Hist. of U. S. 1750-1832, 280.

2. Hist. of Slavery in Mass., 247.



"Dr. Belknap's own account of this census, written and published in 1795, is as follows: 'In 1790, a census of the United States was ~~m~~ made by order of the Federal government; the schedule sent out on that occasion contained three columns for free whites of several descriptions, which, in the state of Massachusetts and district of ~~M~~ Maine amounted to 469326; a fourth for "all other free persons," and a fifth for "slaves". There being none put into the last column,¹ it became necessary to put the blacks, with the Indians, into the fourth column, and the amount was 6001. Of this number, I suppose the ~~m~~ blacks were upwards of 4000; and of the remaining 2000, many were a mixed breed, between Indians and blacks***. In the same census, as hath been before observed, no slaves are set down to Massachusetts. This return, made by the marshall of the district, may be considered as the formal evidence of the abolition of slavery in Massachusetts, especially as no person as appeared to contest the legality of the returns'. M. H. S. Coll. I, IV, 199, 204."¹ It is scarcely probable that none of these negroes and mulattoes were held as slaves, although many had been manumitted,² and traffic in slaves had been forbidden in Massachusetts in 1788.³

Vermont is credited with 17 slaves. This was the result of a clerical error, and was officially corrected in 1870.⁴

The census of 1790 gave the number of free blacks as 59527. These were about equally divided between free states and slave states. The colored element at this census constituted ~~the~~^a larger proportion of the population than ever after, viz., 19.3 percent.⁵

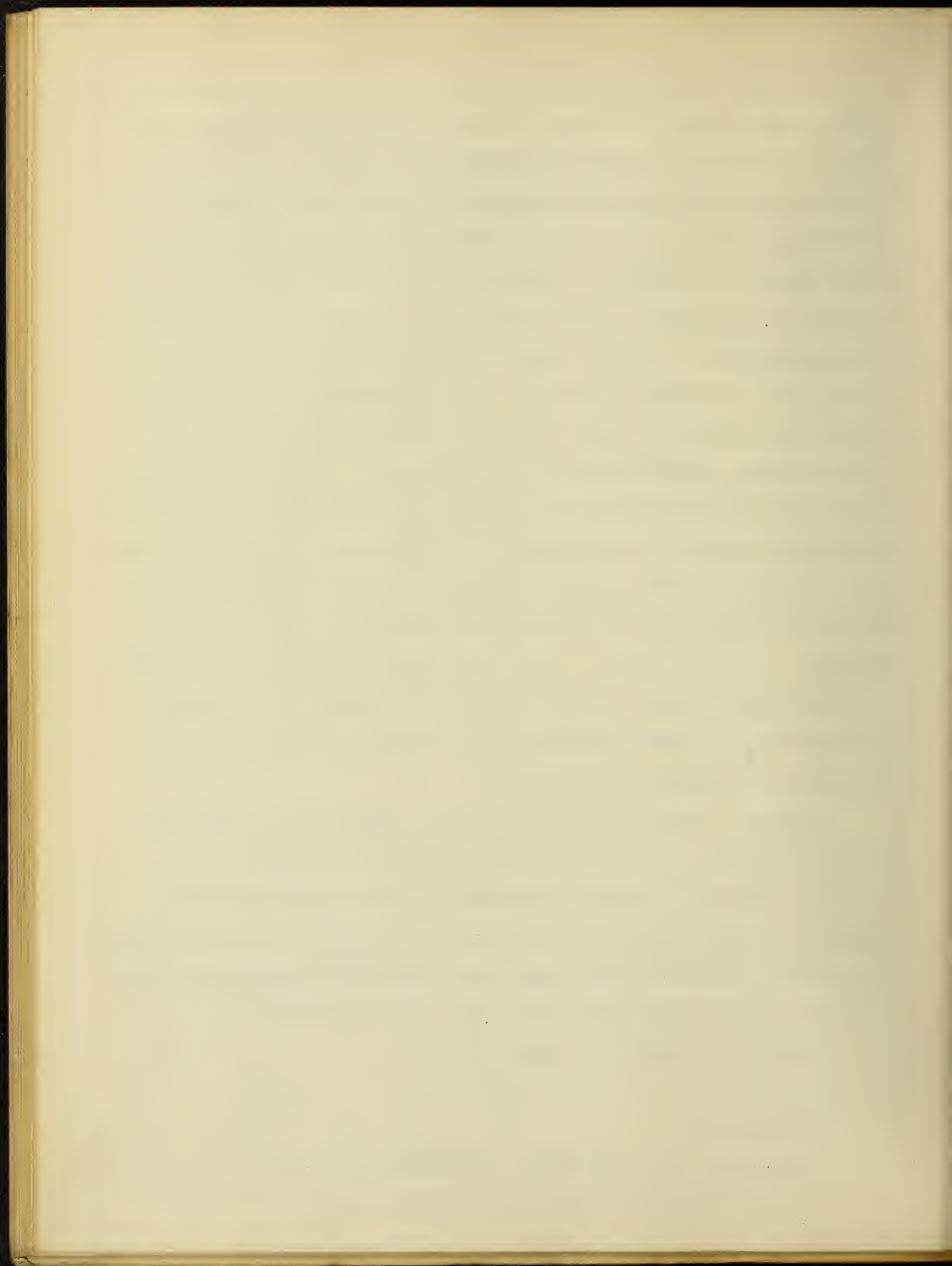
1. Hist. of Slavery in Mass., 247.

2. Ibid, 125.

3. Ibid, 226.

4. New Eng. Hist. and Geneal. Register XXIX, 248.

5. Amer. Statistical Ass'n Pub., 1890-91, 93.



For the sake of comparison a few statistics of the number of slaves elsewhere than in the northern colonies are given. The Lords of Trade in 1721 reported: in South Carolina, 9000 whites and 12000 blacks;^{1.} in North Carolina, 1600 inhabitants "of which about one third were blacks";^{2.} in Maryland, 34796 whites, 7935 negroes;^{3.} in Pennsylvania, 60000 whites and 5000 blacks, although others are said to have estimated not more than half this number.^{4.}

In 1764, Colonel Bradstreet wrote: "I am assured by persons lately from Illinois, that exclusively of the French Garrisons there, the Inhabitants are 600 fighting Men, have one thousand Negroes well-accustomed to the use of small arms, averse to our taking possession of the country".^{5.}

"The number of negro slaves bartered for in one year (1768) on the coast of Africa, from Cape Blanco to Rio Congo, by the different European nations, amounts as follows: Great Britain, 53,100; British Americans, 6,300; France, 23,520; Holland, 11,300; Portugal, 1,700; Denmark, 1,200; in all, 104, 100, bought by barter for European and Indian manufactures, chiefly at 15 sterling each, amounting in sterling money to 1561500."^{6.}

"Some of the best estimates and most exact statistics of the population of New England are as follows: New Hampshire, Burnaby, p. 151, 1759 - 40000; Census of 1774, Prov. Paper, X., 636 - 72000 whites- 674 blacks; Massachusetts, Burnaby, 136 - 200000, 40,00 bear arms; 1763, Barry's Hist., II., 272 - 245000 whites, 5000 blacks; Rhode Island Col. Records, 1749, V., 270 - 28000 whites, 3000 blacks;

1. Doc. rel. to Col. Hist. of N. Y. V, 610.

2. Ibid. V, 609.

3. Ibid. V, 605.

6. Annual Reg. 1769, 114.

4. Ibid. V, 604.

5. Ibid. VII, 693.

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Memoirs of Elkanah Watson, 1778 - 60000; Burnaby, p. 121, 1759 - 35-
000 whites, several hundred blacks; Connecticut., Mass. Hist. Soc. I.,
VII., 1773, - 191000 whites, 6000 blacks; Hinman, Conn. Antiq., p.
362, Governor to Lords of Trade, 70000 whites, 1000 blacks, militia
10000; Fowler's Hist. of Durham, Governor's letter, 1774, to Lords
of Trade, 191000 whites, 6000 blacks; New Hampshire Hist. Coll., I.,
227, 1730 - 10000 whites, 200 blacks; Mass. Hist. Coll., I., IV, 196,
1763 - 5000 slaves, 45 whites to one black".¹

1. Short Hist. of Eng. Colonies in Amer.. 408 (Footnote).



CHAPTER IV.

Laws and Suggestions concerning the Importation of Negroes.

New Netherland, later New York.

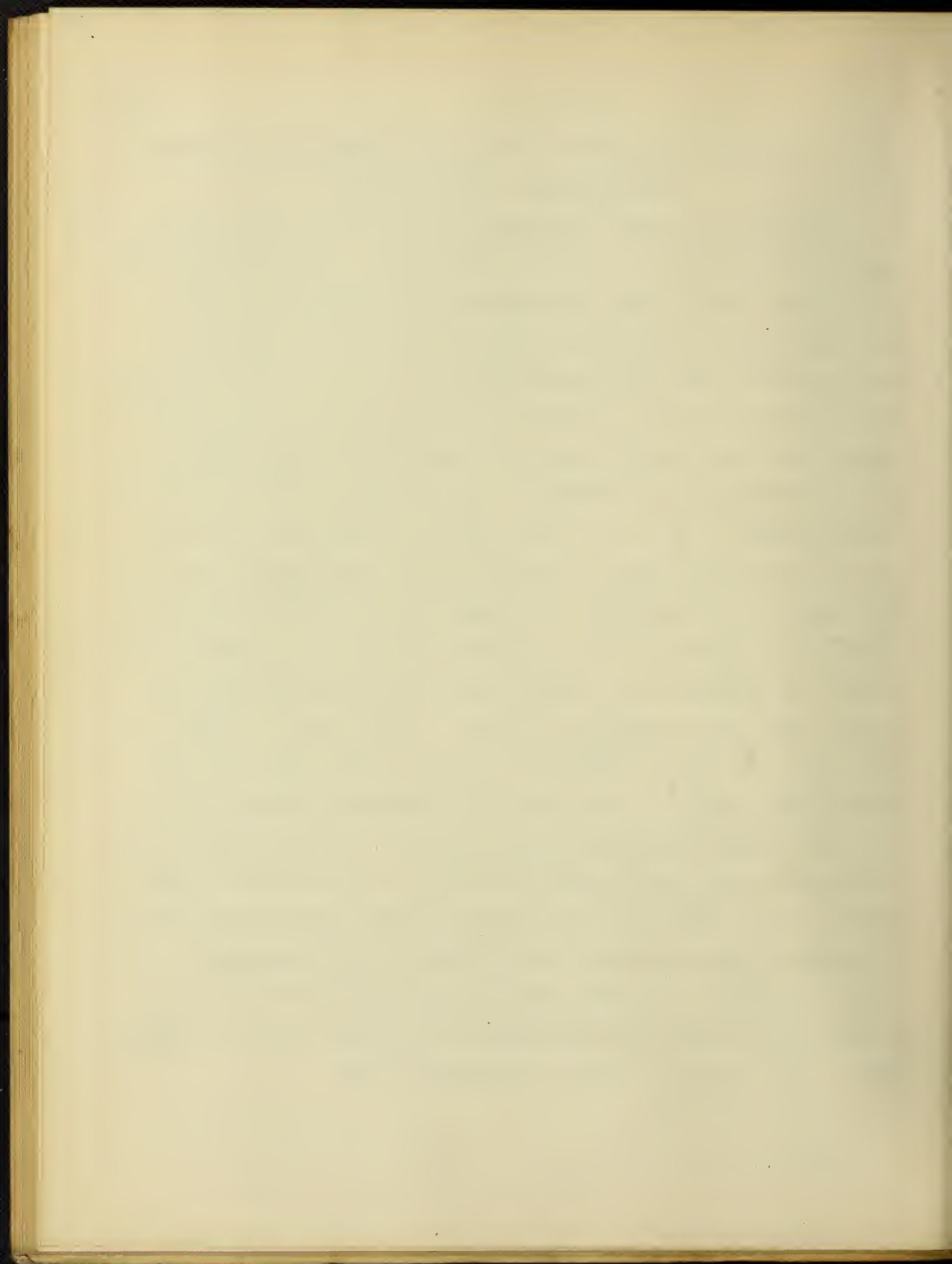
On October 23, 1629, the Assembly of XIX wrote to the States General: "The countries," - in the West Indies - "yet uninvasioned, are for the most part of little consequence and unproductive, or if good and fruitful, are very difficult of cultivation, especially for our people, who, being unaccustomed to so hot a climate, can with ^egreat difficulty betake themselves to agriculture; and being unprovided with slaves and not used to the employment of them, cannot, like the Spaniards and Portuguese, supply through others, their own insufficiency".¹ In the following year in the Freedoms and Exemptions granted by the Board of Nineteen of the incorporated West India company to all those who will plant colonies in New Netherlands occurred² the following: "XXX. The Company will use their endeavors to supply the colonists with as ^umany Blacks as they conveniently can, on the conditions hereafter to be made, in such manner, however, that they shall not be bound to do it for a longer time than they shall think proper".² A new project of Freedoms and Exemptions issued some time between 1630 and 1635 declares: "In like manner, the Incorporated West India Company shall allot to each Patroon twelve Black m en and women out of the prizes in which Negroes shall be ~~f~~ found, for the advancement of the Colonies in New Netherlands".³

In 1640 we read: "The company shall exert itself to provide the Patroons and Colonists, on their order, with as many Blacks as possi-

~~the~~ 1. Doc. rel to Col. Hist. of New York I, 39.

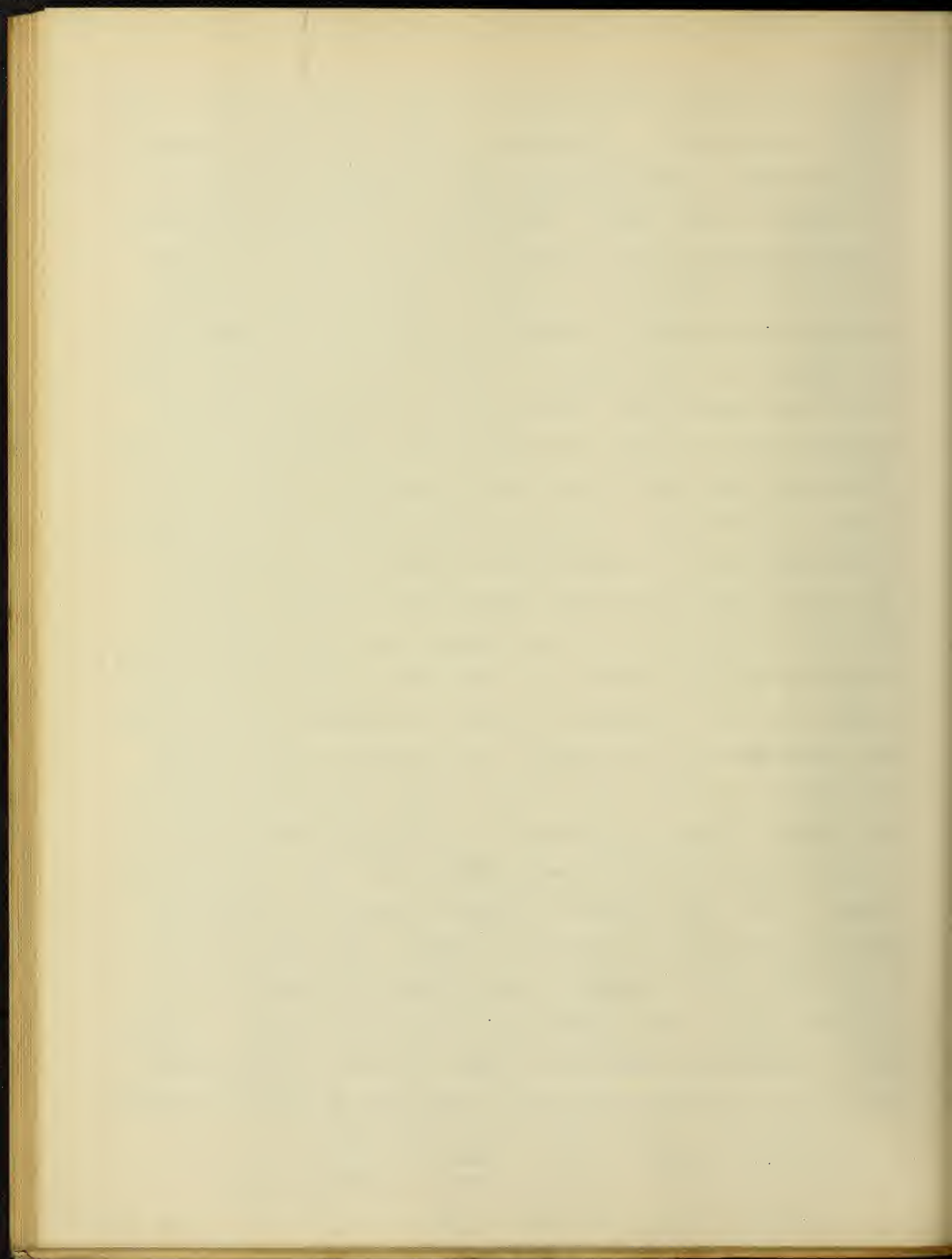
2. Ibid. II, 557.

3. Ibid. I, 99.



ble, without however being further or longer obligated thereto than shall be agreeable".^{1.} On December 15 1644, the Board of Accounts in i ts report on New Netherland said: "It would be advisable, for the benefit of that country, first of all, to facilitate emigration to New Netherland as had been done a long time since; or at least to credit the passengers for a time, in order to allure co onists thither, and afterward to introduce a goodly portion of farm servants and negroes int o that country. By whose labor, agriculture would be so much promoted that a great quantity of provisions could be exported thence to Brazil.*.*.* And for the advancement of the cultivation of land there, it would not be unwise to allow, at the request of the Patroons, Colonists and other farmers, th e introduction from Brazil there, of as ~~any~~ Negroes as they would be disposed to pay for at a fair price; which Negroes would accomplish more work for their masters, and at a less expense, than farm servants, who must be bribed to go thither by a great deal of money and promises".^{9.} On May 27, 1647, the Chamber of Accounts reiterated their suggestion and recommended that the Patroons and Colonists in New Netherland be permitted to export their produce in their own vessels to Brazil and there to trade it for slaves.^{3.} In 1648 such permission was provisionally ~~by~~ granted by the States ~~General~~.^{4.} One resolution was passed by the States General on January 20, 1648, and another and more restrictive one on February 10, 1648.^{5.} The reason for such care seemed to be the desire to guard against interference by the colonists in the sugar monopoly of the West India Company. According to Freedoms and Exemptions of 1650, the duty on negroes imported into New Netherland should not be "more than 20 guilders perhead".^{6.}

1. Doc. rel. to Col. Hist. of New York I, 123.
2. Ibid. I, ^{152.}246. 3. Ibid. I, ^{246.}152. 4. Ibid. I, 215.
5. Ibid. I, 216. 6. Ibid. I, 404.



In 1651 the magistrates at Gravesend asked the Directors ^{at} ~~of~~ Amsterdam to furnish slaves at a reasonable cost.^{1.} In 1663 the authorities at New Amsterdam asked that the West India Company furnish 50 negroes for the "Colonie on the Delaware river".^{2.} The request was granted and its results acquire an unusual interest because of the circumstances under which the negroes finally arrived. On January 20, 1664, the Director and Council of New Netherland were informed that the ship Gideon had gone to Guinea^{3.} for about 300 slaves. The cargo was to be secured at Loango, the city of Amsterdam was to have one-fourth of the profits of the venture, the slaves were to be sold only in New Netherland and to be used only in agricultural pursuits, part of the share of Amsterdam was to be paid in Beavers.^{4.} The Ship Gideon arrived at New Amsterdam with 290 slaves just as the city was about to be taken by the English.^{5.} Director-General Stuyvesant was later accused by the West India Company of having neglected to supply a suitable quantity of food for the fort and a chief point in his defence was that the negroes ate the food.^{6.} That the Dutch were heavily engaged in the slave trade at this time is shown by Colonel Nicolls' advice, given in 1666, to the English to drive the Dutch from the West Indies in order to take their slave trade.^{7.} In 1676 the Royal Company of England seems to have had at least a nominal monopoly of the Guinea slave trade.^{8.} The company^a did not object to the importation by the colonists of slaves from Barbadoes

1. Doc. rel. to Col. Hist. of New York II, 156.

2. Ibid. II, 213, 214.

3. Ibid. II, 218.

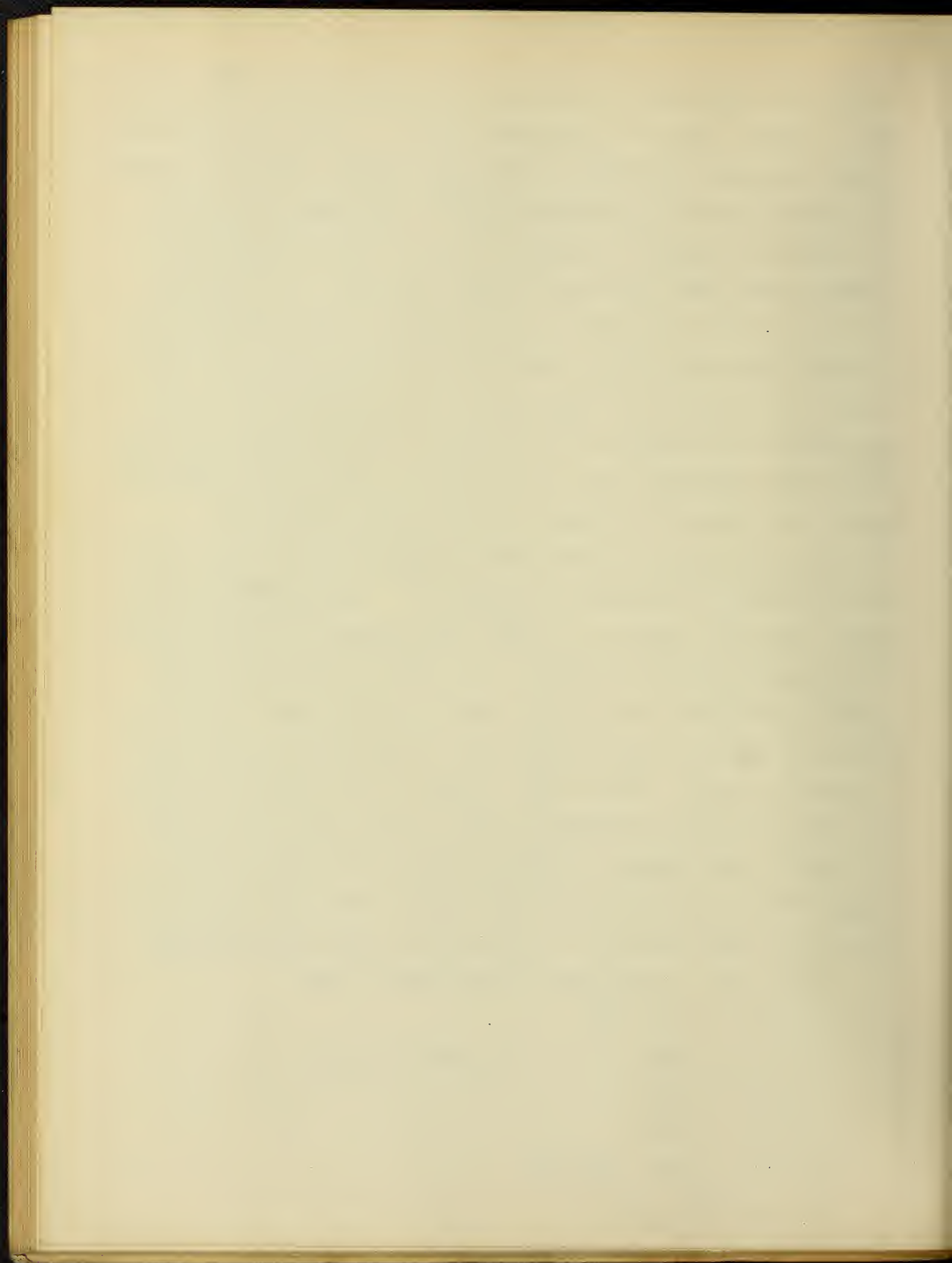
8. Ibid. III, 245.

4. Ibid. II, 222.

5. Ibid. II, 504.

6. Ibid. II, 374, 430, 434.

7. Ibid. III, 115.



since the places of such slaves were taken by fresh installments ~~from~~ from Africa.^{1.} In 1678 Governor Andros said in his report; "some few slaves are sometimes brought from Barbadoes, most for provisions & Sould att ab^t 30^{li} or 35^{li} Country pay."^{2.} At that time a merchant worth 1000^{li} or a planter worth 500^{li} or 250^{li} in movables was considered wealthy. From this fact an estimate of the value of slaves at the time may be formed.^{3.} In 1685 a case concerning a prize containing negroes was appealed from the courts of New Amsterdam to His Majesty ~~and~~ in Council.^{3.} By 1698 the English and Dutch merchants had become accustomed to the making of annual voyages to Madagascar for slaves.^{4.} In 1701 provisions and slaves were said to be the chief commodities "for which the Merchants in Jamaica, and others, have got such great quantities of Spanish gold and silver."^{5.} Seven years later the slave market of Virginia and Maryland was much better than that of New York.^{6.} In 1709 "An Act for laying a Duty on the Tonnage of Vessels and Slaves" was passed.^{7.} The act was continued in 1710^{8.} and "better effected" in 1711, expiring November 1, 1713.^{9.} In 1709 the Queen recommended to the Royal African Company of England the furnishing of^ω sufficient supply of negroes to New York.^{10.} In 1711 an act for laying a further duty on the tonnage of vessels was reported. It seems that the act of 1709 had expired in 1711 (May 1) ~~and~~

1. Doc. rel to Col. Hist. of New York III, 245.

2. Ibid. III, 262.

3. Ibid. III, 365.

4. Ibid. IV, 446, 816. 9. Ibid. I, 85.

5. Ibid. IV, 877. 10. Doc. rel. Col. Hist. of N. Y. V, 136.

6. Ibid. V, 57.

7. Laws of New York, 1691 to 1773, I, 78.

8. Ibid. I, 83.



22.

and that it was probably this law passed in 1711 which was "better effected" and which expired on November 1 1713.^{1.} The duty on negroes was enumerated in 1714 as a source of royal revenue.^{2.} The colonists of South Carolina were relieved from paying duty on slaves imported into New York during six months in 1715 and the duty on some slaves which had been imported from South Carolina^{3.} was remitted. The duty act was reconstructed in 1716 and expired July 1, 1720.^{4.} In 1718 Governor Hunter said : "The duties laid on Negroes from ye other Colonies are intended to encourage their own shipping and discourage the importing their refuse & sickly Negroes here from other Colonies which they commonly do."^{5.} Payment for slaves was often in colonial goods.^{6.} The Lords of Trade asked in 1726 that annual reports of the number of negroes be sent.^{7.} The reports were, however, very irregular. In the same year Governor Burnet complained that the Royal African Company had neglected to provide for the collection of the duty on slaves from Africa. The Governor wishes : "That they may employ somebody to demand their ten per Cent".^{8.} It is stated concerning Governor Burnet (1729) "The Tonnage Officer or Collector of the duties on Negroes he likewise dropt, the Collection of those duties being by the last revenue Bill, put into the hands of the T

1. Doc. rel. to Col Hist. N. Y. V, 293.

2. Ibid. V, 379.

3. Ibid. V, 418.

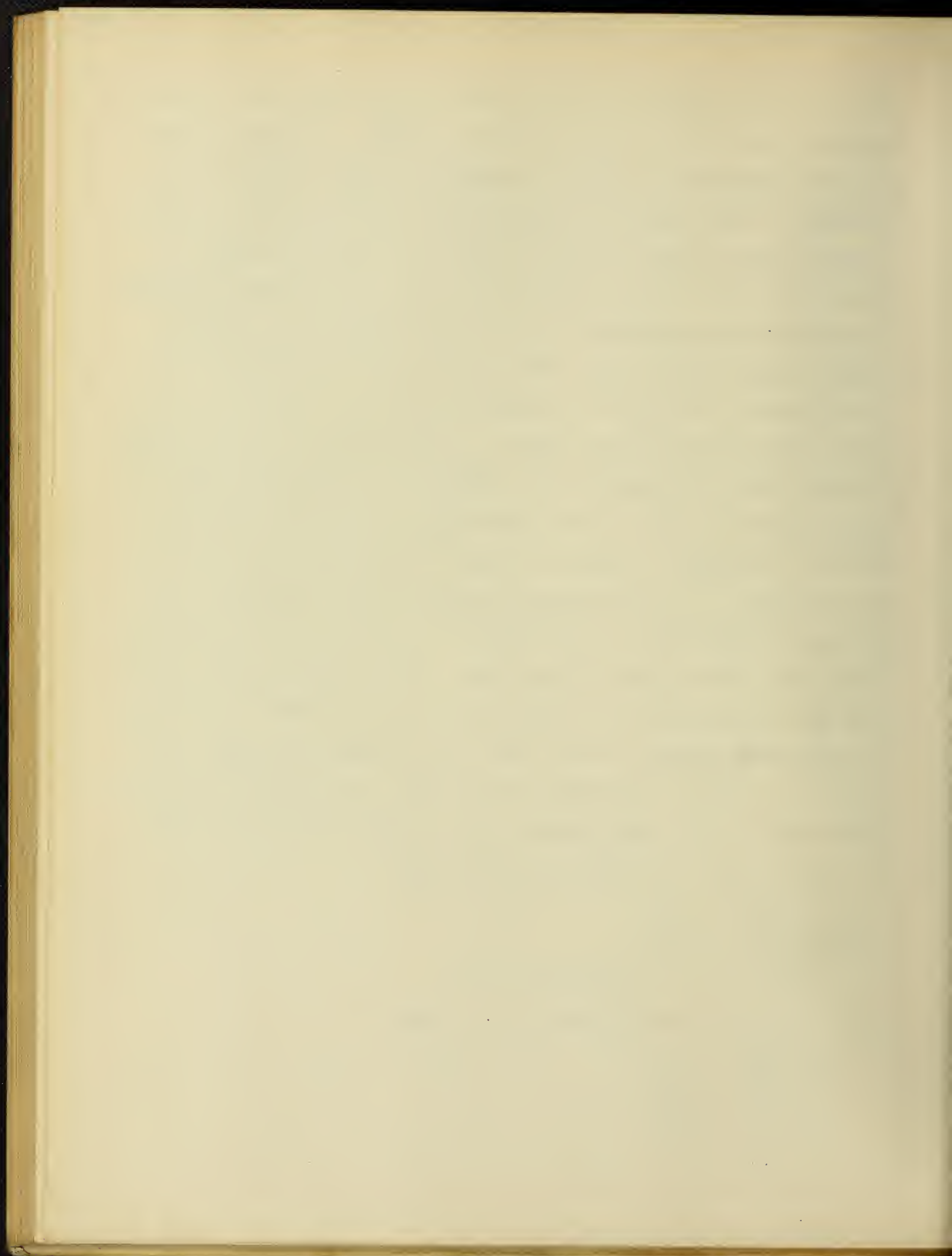
4. Laws of N. Y. 1691-1773 I, 105.

5. Doc. rel to Col. Hist. N. Y. V, 509.

6. Ibid. V, 613.

7. Ibid. V, 779.

8. Ibid. V, 811.



23.

Treasurer of the Colony".^{1.} The revenue bill referred to was probably that of July 12, 1729. It provided, among other things, that the treasurer should appoint deputies in the respective counties to collect the duty on negroes. The negroes were to be seized if the duty was not paid. Persons not residing in the colony were to pay double duty. Deputies not paying in the duty were to be prosecuted.^{2.} In the act for the support of the government from 1728-1733 the definition of a legal importation was made more explicit since disputes had arisen concerning its interpretation.^{3.} In 1735 a tax was laid on slaves.^{4.} In 1735 the ~~mer~~^{ex}chants and traders of the city of Bristol having presented to the Lords of Trade a remonstrance against the duties laid in New York on slaves,^{5.} Governor Cosby was asked to make a report on the laws of New York relative to the importation of slaves. He said that on the first of September 1728 a duty was laid on the importation of slaves. The duty was to be levied for five years. It consisted of 40s on each negro, more than four years of age, imported from Africa, and of 4 £ on those imported from elsewhere. The time for which these duties were to run was extended to 1737 in 1734. A tax of 1 shilling yearly was laid upon each negro "above the age of fourteen & under fifteen" in 1734.^{6.} The objection raised by the merchants of Bristol seems to have been that the duties ~~l~~^paid were to be paid by the importer. This was

1. Doc. rel to Col. Hist. N. Y. V, 879.

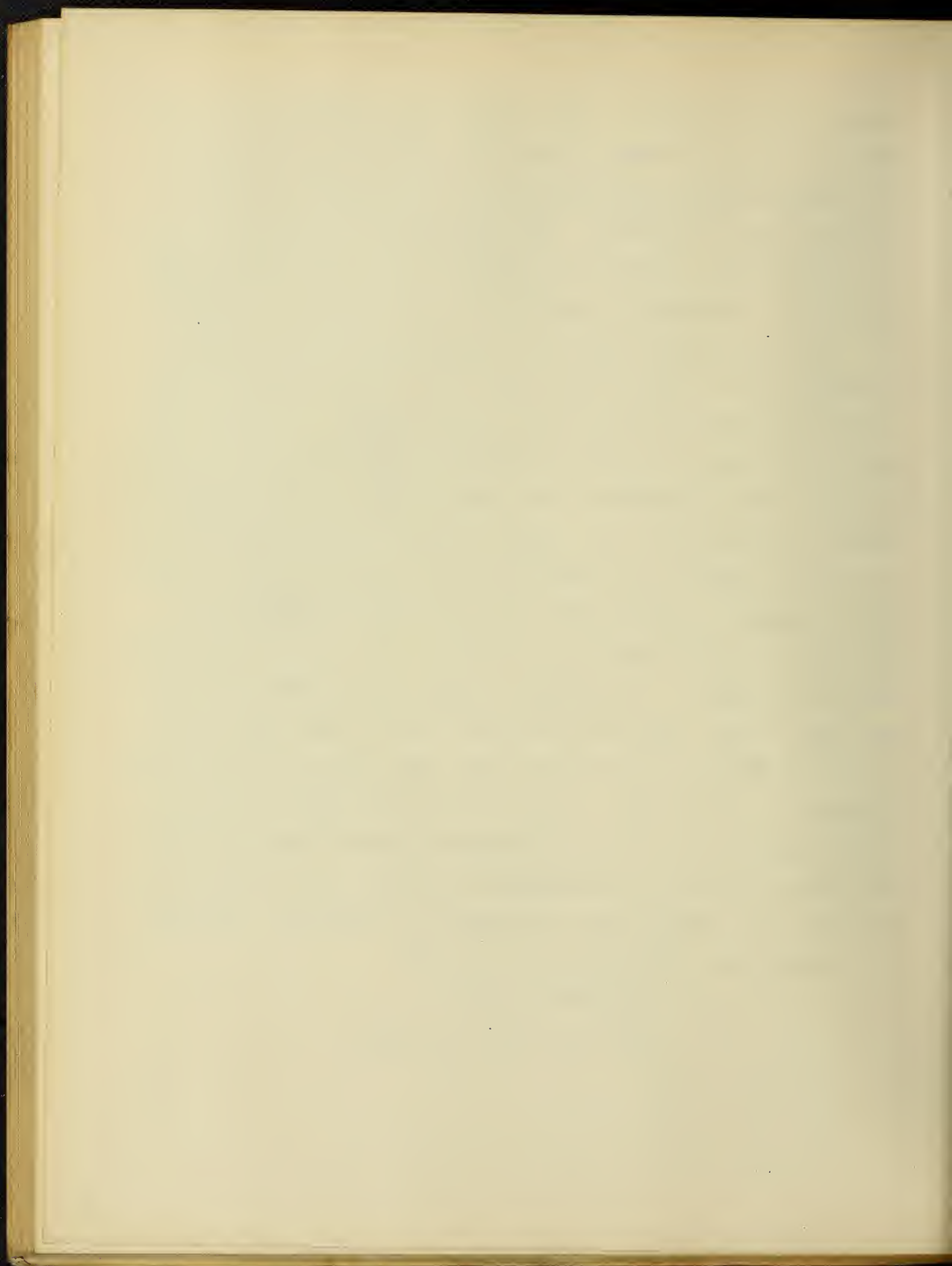
2. Laws of N. Y. 1691-1773, I, 152.

3. Doc. rel. to Col. Hist. of N. Y. V, 927.

4. Ibid. VI, 27.

5. Ibid. VI, 32.

6. Ibid. VI, 37.



opposed as being prejudicial to the trade of England and contrary^v to the Royal instructions.^{1.} The slave trade is reported in 1737 as being on the decline^{2.} - a report which probably became stereotyped since it is reasserted in 1747^{3.} and 1749.^{4.} In 1753 the Governor was "forbidden to give his assent to any acts for imposing any duty's^{5.} on the importation of Negroes from Africa." In December of the same year an elaborate importation law was passed,^{6.} and it was annually renewed,^{7.} duties on slaves being a source of revenue until 1774.^{8.} This law of 1753 renewed the duty of 40 shillings for every slave of four years old and upwards imported directly from Africa and of four pounds on such slaves imported from elsewhere.^{9.} The king would scarcely disallow so discriminating a bill. The age of slaves was to be determined by Justices of the Peace if question arose as to whether a certain child was more or less than four years old.^{9.} One must certainly wonder if the decision were not sometimes difficult. Upon payment of the duty a certificate was given to the owner and in case of sale the certificate must be transferred to the purchaser.^{9.} Violations of the act were severely punished.^{9.} In 1785 the sale of slaves in the state was forbidden. It will be noticed that the citizens of New York were never debarred from participation in the slave trade. The object of the various regulations is apparently entirely economic.

1. Doc. rel to Col. Hist. of N. Y. VI, 32.

2. Ibid. VI, 127.

7. Ibid. I, 341, 351, 364, 365, 370, etc.

3. Ibid. VI, 393.

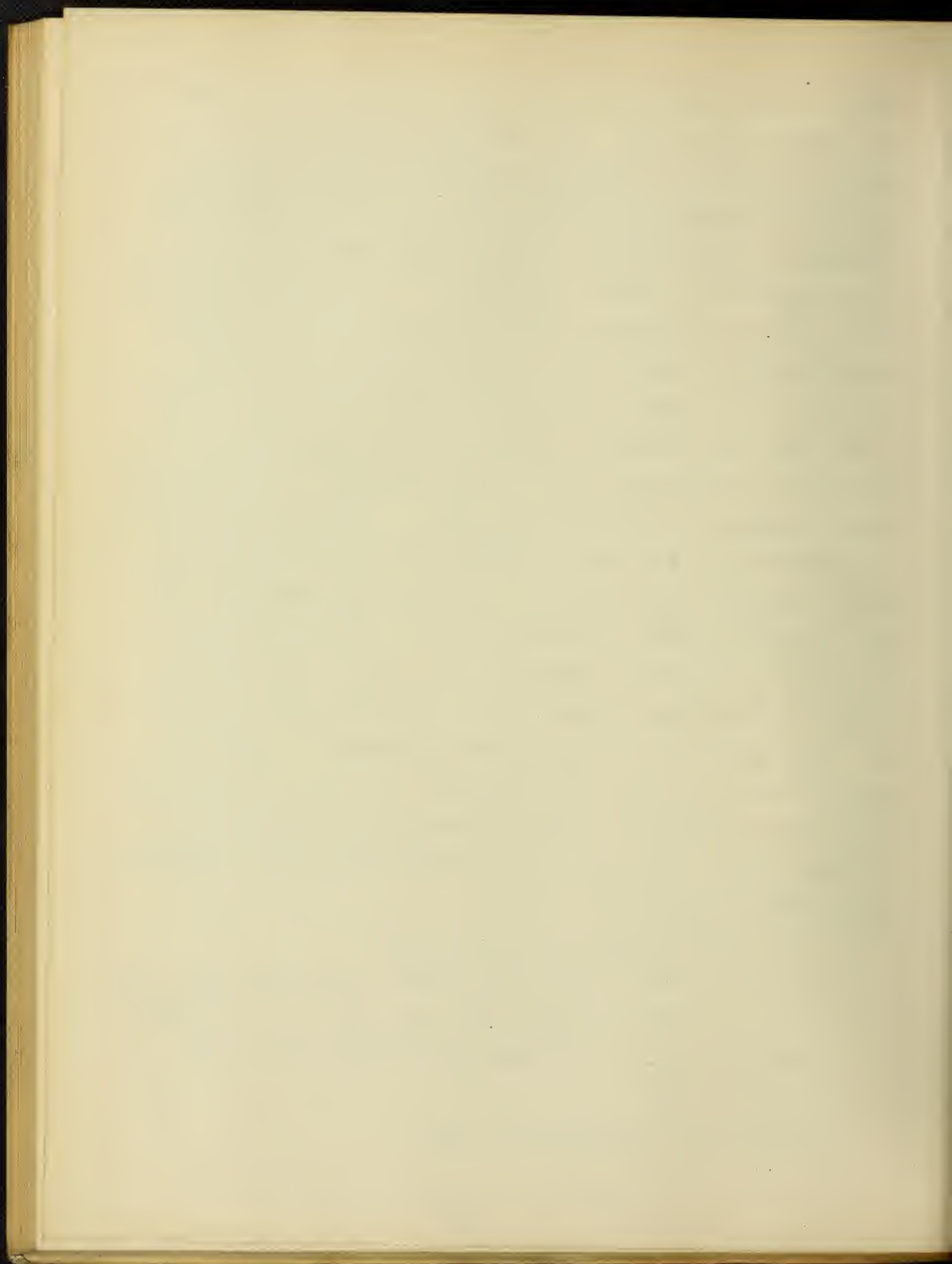
8. Doc. rel. Col. Hist. N. Y. VIII, 452.

4. Ibid. VI, 510.

9. Laws of N. Y. 1691-1773, I, 325.

5. Ibid. VI, 791.

6. Laws of N. Y. 1691-1773, X I, 325.

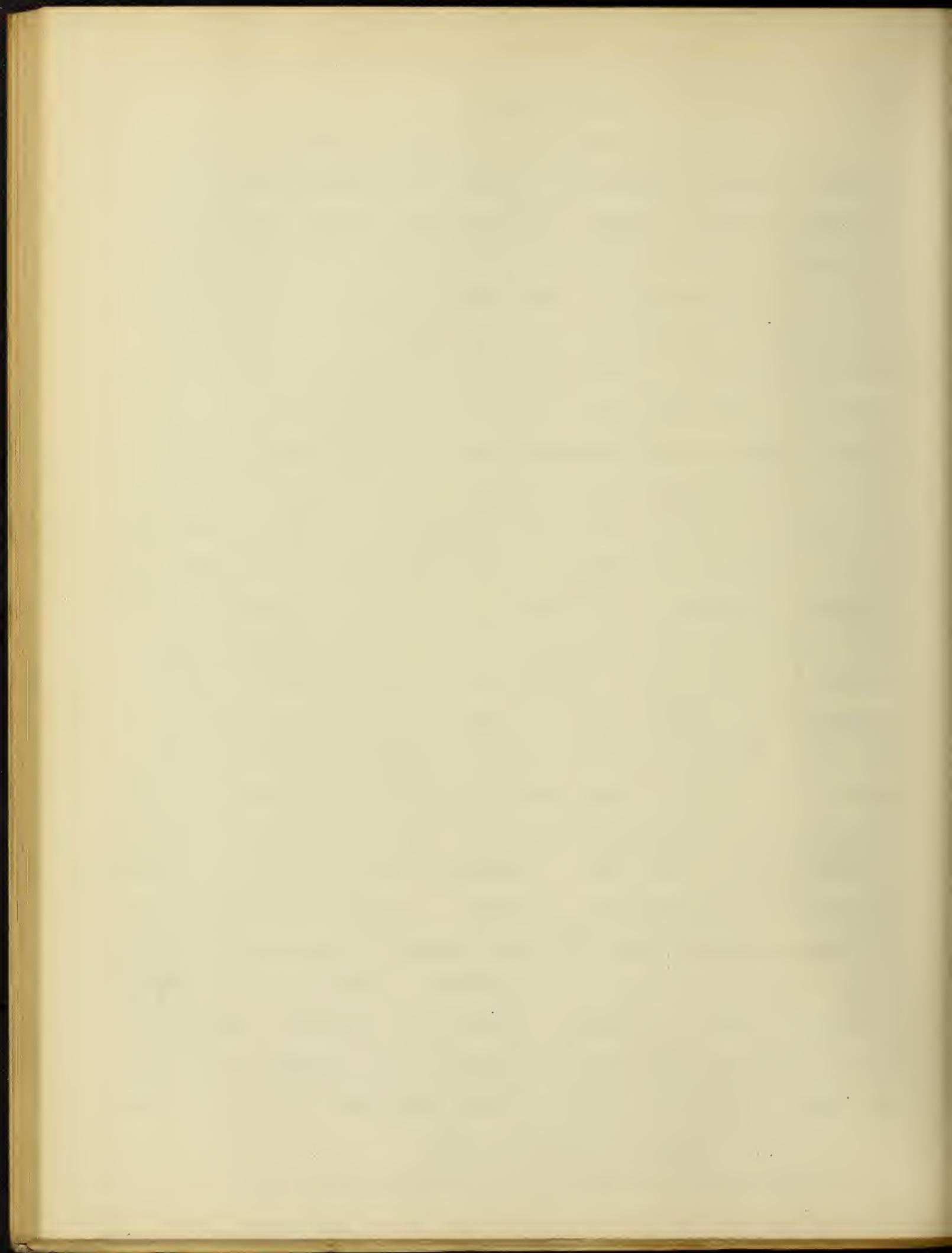


Rhode Island.

In 1652 while New Netherland was making an effort to secure a supply of negroes, Rhode Island passed the following law (May 19): "Whereas, there is a common course practised amongst English men to buy negers, to that end they may have them for service of slaves forever; for the preventing of such practices among us, let it be ordered, that no blacke mankind or white being forced by ~~x~~ covenant bond or otherwise, to serve any man or his assignnes longer than ten yeares, or untill they come to bee twentie four yeares of age, if they bee taken in under fourteen, from the time of their cominge within the liberties of this Collonie. And at the end or terme of ten yeares to sett them free, as the manner is with the English servants. And that man that will not let them goe free, or shall sell them ~~away~~ elsewhere, to that end that they may bee enslaved to others for a long time, hee or they shall forfeit to the Collonie forty ~~x~~ pounds".^{1.} Of this act Mr. Moore in his "Notes on Slavery in Massachusetts" says: "This noble act, stands out in solitary grandeur in the middle of the seventeenth century, the first legislative enactment in the history of this continent, if not of the world, for the^{2.} suppression of involuntary servitude". Not all the laws of the colony were of the same tenor. In February 1708 a duty of three pounds was laid on the importation of negroes. In April 1708 we find the following enactment: "And it^{is} further enacted by the authority aforesaid, that whereas. by an act of Assembly. in February last past~~ed~~ concerning the importing negroes, one article of said act, expressing that three pounds money shall be paid into the treasury for each negro imported into this colony; but upon exporting such negro in time

1. Rhode Island Col. Records I, 243.

2. Moore, Notes on Slavery in Massachusetts.



limited in said act, said three pounds were to be drawn out of the treasury again by the importer: It is hereby enacted, that said sum for the future, shall not be drawn out, but there continued for the use in said act expressed; any act to the contrary notwithstanding".^{1.}

The Board of Trade of England, in 1708, sent a circular letter to the governors of the English colonies asking explicit information concerning the slave trade - "a trade so beneficial to the kingdom".^{2.}

Governor Cranston of Rhode Isl^w and answered that no negroes had been imported into Rhode Island from Africa between June 24, 1698 and December 25, 1707 on account of either the Royal African Company or of any separate trader; that on May 30, 1696 the Sea-flower had brought forty seven negroes of which fourteen had been sold in the colony for thirty to thirty-five pounds per head; that three vessels had gone to Africa in 1700 for negroes and had sold their cargoes of ~~x~~ slaves in Barbadoes; that the negroes imported into Rhode Island ~~x~~ came from Barbadoes and sold for about thirty or forty pounds per head; that ~~few~~ were imported since the natural increase of those already in the colony was almost sufficient to supply the demand.^{3.}

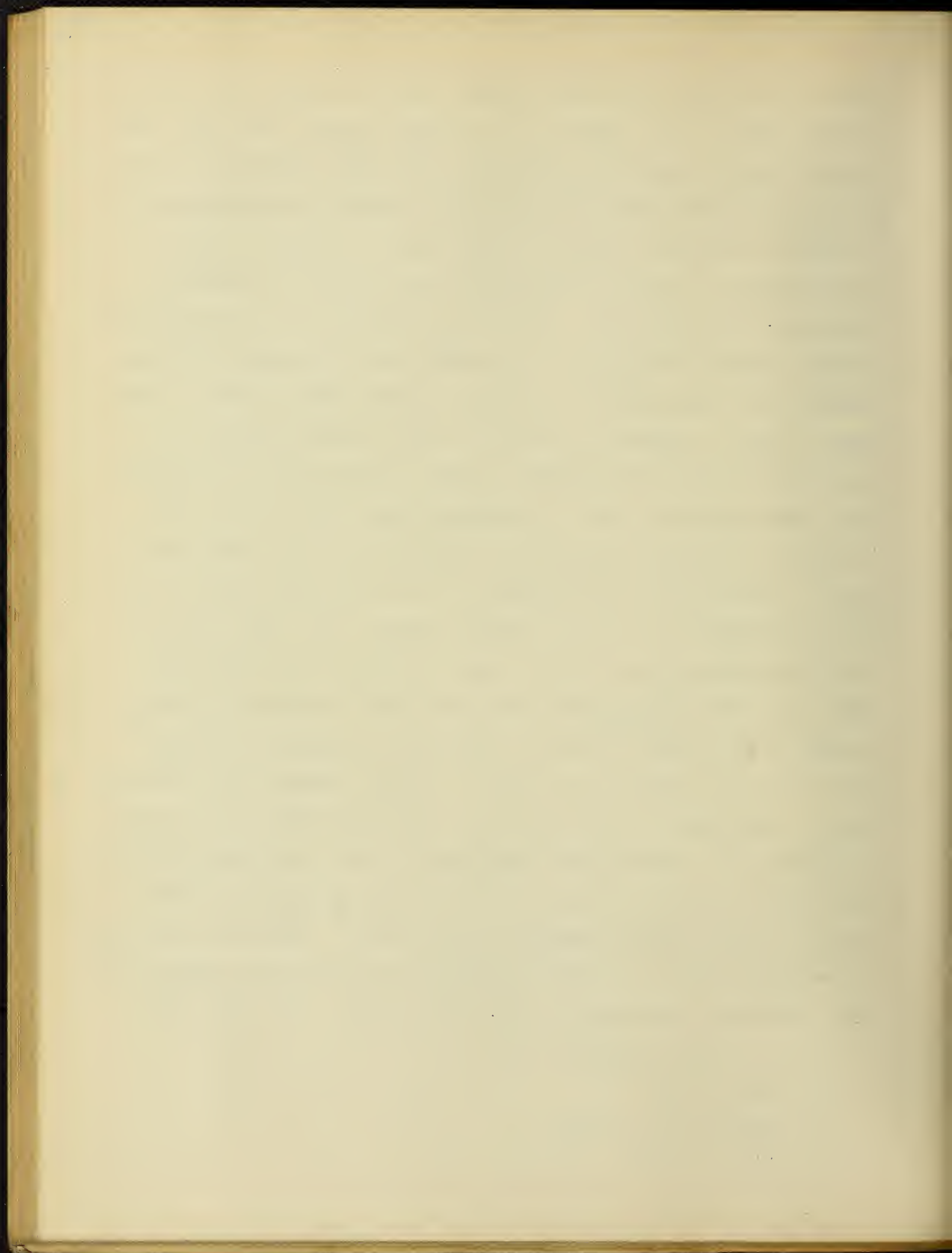
That the act of 1708 was not strictly enforced appears from subsequent acts. On February 17, 1712 an act was passed providing that no master of a ship should either ~~land~~ passengers or sail with passengers without giving an account of them to the Governor on penalty of fifty pounds in which sum all masters must give bond.^{4.} While this act does not make reference to the act of 1708, it covers the same ground and thus proves the inefficiency of the act of 1708. Ten days later

1. R. I. Col. Records IV, 34.

2. Ibid. IV, 53

3. Ibid. IV, 53, et seq.

4. Ibid. IV, 131.



(February 27 1712) what appears to have been a supplement to the act of 1708 was passed. This supplementary act provided explicit directions for reporting the arrival of negroes and paying the duty on the same and provided that the masters of vessels should give bond for the sum of fifty pounds.^{1.} On May 7, 1712 it was voted "that any negroes or Indians brought into the harbor of Newport, or any other part of the colony, and an entry made of the vessel, and a manifest given by the masters, is an importation within the act."^{2.} In 1715 Captain John Thurber had remitted to him the duty due on some slaves imported.^{3.} Susannah Vaughan was allowed to recall her banished negro, Joh.^{3.} On July 5 1715 the ground covered by the acts of 1708 and 1712 was again covered. This law of 1715 provided that £ 289 17s. 3d. duty money on slaves should be used toward paving the ~~st~~ streets of Newport; that a duty of three pounds per head should be paid on slaves imported, the duty to be doubled in case of fraud, and not ~~to~~ to apply to importations direct from Africa; that the duty money should be used for paying for pavements and bridges.^{4.} From this act it appears that a duty had been laid upon negroes prior to 1701-2 since in that year an act had been passed to prevent fraud in paying such duty. In 1716 (June 17) the Assembly gravely remitted to Colonel James Vaughan "the duty of two sucking slaves".^{5.} The age at which negroes were too young to count was evidently more tender in Rhode Island than in New York. In 1717 the naval officer was ordered by the assembly to pay one hundred pounds from the impost money on slaves for the purpose of paying for the paving of the

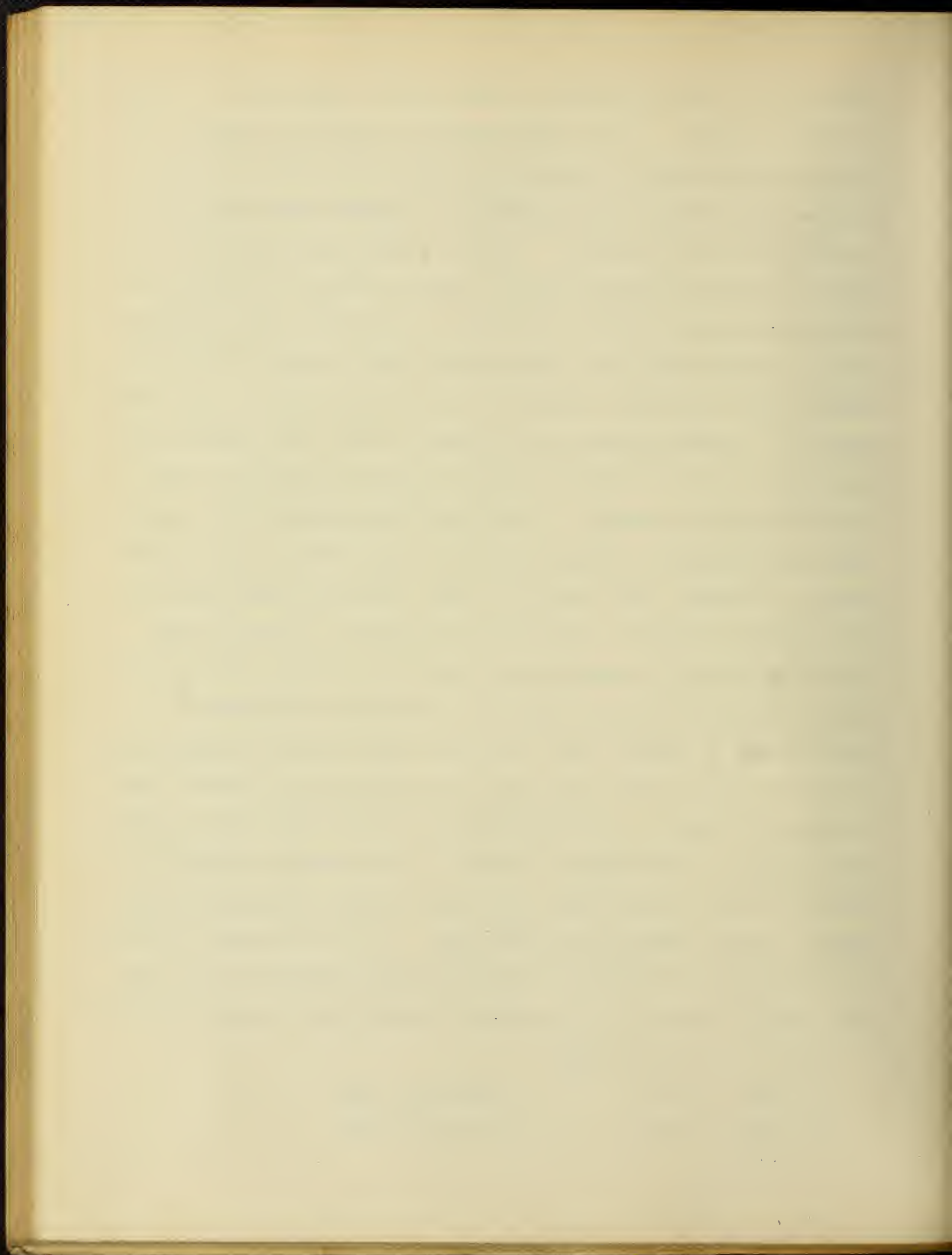
1.R. I. Col. Rec. IV, 133.

2. Ibid. IV, 143.

3. Ibid. IV, 186.

4. Ibid. IV, 191.

5. Ibid. IV, 209.



streets of Newport.^{1.} In 1723 the attorney general was made the collector of the duty.^{2.} In 1729 an act was passed providing that one half of the impost money from slaves should be for the use of Newport for paving, and the other half should be used for keeping in repair the great bridges of the colonies.^{3.} The next year the fees allowed the collector were increased.^{4.} Mr. Royall, in 1731, had remitted to him the duty on some slaves which he was unable to dispose of in the colony.^{5.}

On the first Wednesday in May, 1732 the act of "the 27th day of February, 1711" was repealed by order of the King.^{6.} Although the colonial records refer to this as the act of 1711, it is probable that 1712 was the true date. The repeal of the act of 1715 or the passage of any other duty act does not seem to be recorded.

In 1732 Mr. George Goulding had remitted to him the duty on a lame slave whom he sent to North Carolina.^{7.}

A feeling against slavery in the colony gradually developed and in 1774 "An Act prohibiting the importation of Negroes into this Colony" was passed.^{8.} One clause in this act is of especial interest as showing that it was not dislike of slavery as an institution which rested upon questionable principle which caused the passage of this act. This clause was : "Provided, also, that nothing in this act shall extend, or be deemed to extend, to any negro or mulatto slave brought from the coast of Africa, into the West Indies, on board any vessel belonging to this colony, and which negro or mulatto slave could not be disposed of in the West Indies, but shall be ~~from~~

1. Rhode Island Col. Rec. IV, 225.

2. Ibid. IV, 330.

3. Ibid. IV, 423.

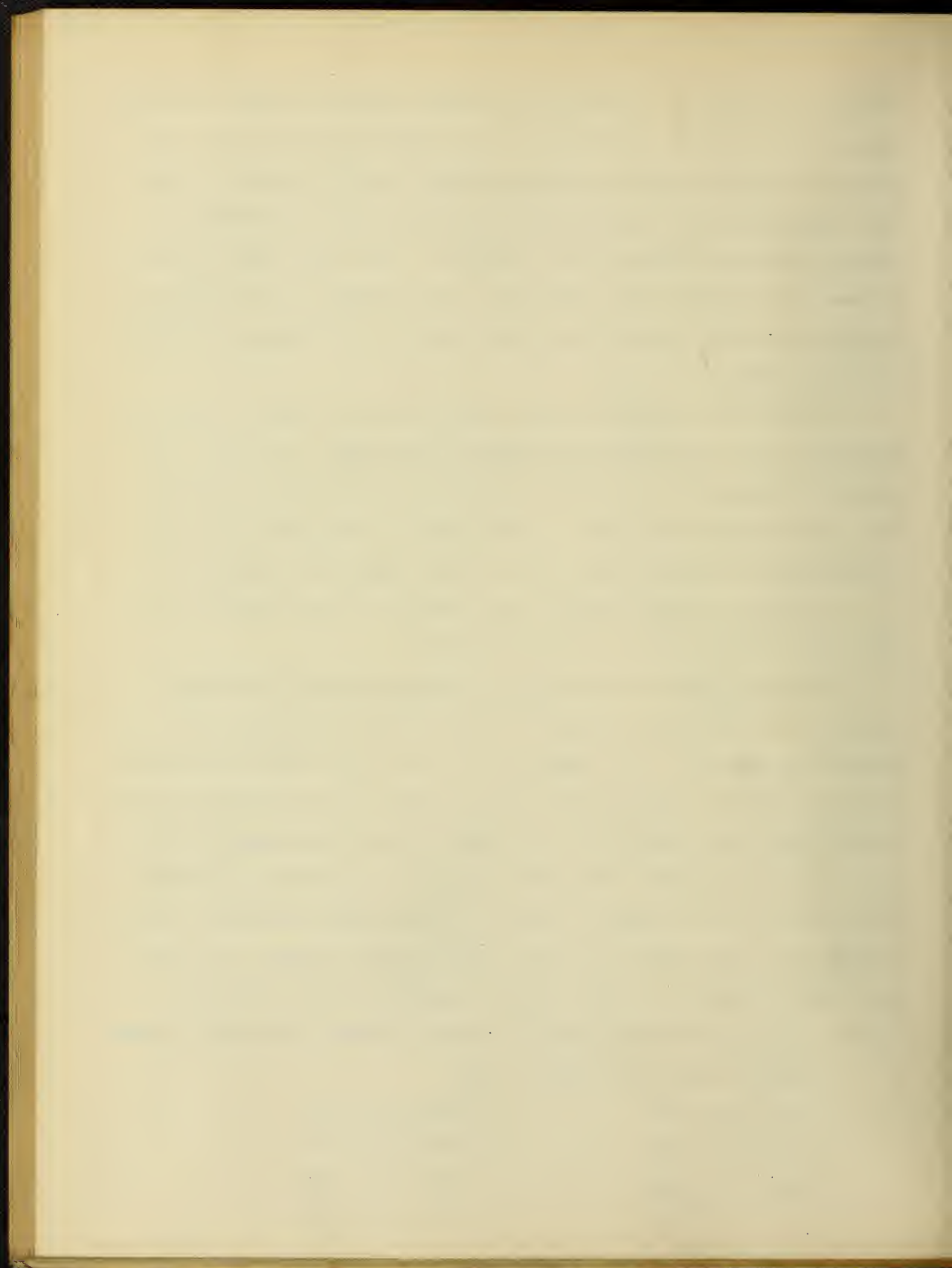
4. Ibid. IV, 439.

5. Ibid. IV, 454.

6. Ibid. IV, 471.

7. Ibid. IV, 473.

8. Ibid. VII, 251.



brought into this colony. Provided, that the owner of such negro or mulatto slave give bond to the general terasurer of the said colony ~~****~~ in the sum of £100 ~~****~~ that such negro or mulatto slave shall be exported out of the colony within one year from the date of such bond; if such negro or mulatto be alive, and in a condition to be removed".^{1.} This clause was finally repealed on the last Monday in February, 1784.^{2.} The professor of history in the University of Halle in 1784 wrote concerning the Rhode Islanders; "Since they themselves have little to export, they carry the products of their neighbors, especially of Connecticut, to the West Indies, and also bring slaves from Guinea for the South."^{3.} The German was well versed in his American history.

In 1787 an act unequivocally abolishing all participation in the slave trade was passed. A fine of £100 for every slave imported and of £1000 for every vessel engaged was imposed.^{4.}

In 1790 "The Providence Society for promoting the abolition of Slavery, for the relief of persons unlawfully held in bondage, and for improving the condition of the African race" was incorporated.^{5.}

Massachusetts.

The Massachusetts Body of Liberties, 1641, forbade slavery except it be slavery of captives or of persons who willingly sold themselves. The law against slavery was to be read at the sessions of the General Court.^{6.} This high ground was not long maintained for

1. Rhode Is. Col. Rec. VII, 251.

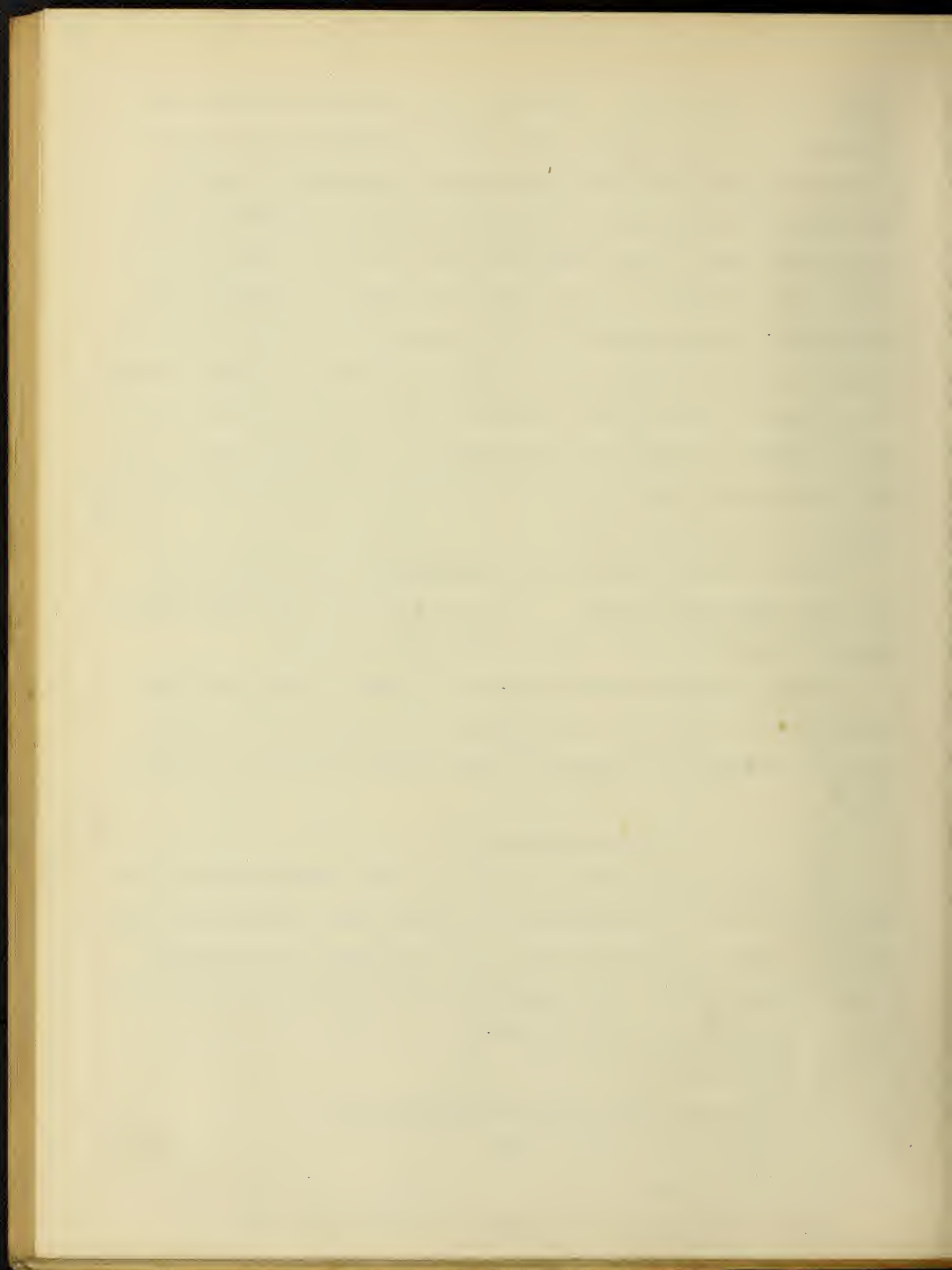
2. Ibid. X, 8.

3. Allgemeines historisches Taschenbuch, 10.

4. Rhode Is. Col. Rec. X, 262.

5. Ibid. X, 382.

6. Select Charters Illus. of Amer. Hist. 1606-1775, 86.



in May 1680, Governor Bradstreet answered certain heads of inquiry from the Lords and Committee for Trade and Foreign Plantations, and said that about 1678 a vessel landed between forty and fifty ^m Negroes, which were sold for ten, fifteen, and twenty, pounds apiece. He supposed that the colony had then 100 or 1020 slaves, and five or six blacks were born there each year.¹ The number of slaves in 1680 was not, as has been seen, great and by 1701 the sentiment against slavery was growing in the colony. In that year the representatives of the town of Boston were "desired to promote the encouraging the bringing of white servants, and to put a period to Negroes being slaves".² In 1705 an act "for the Better Preventing of Spurious and Mixt Issue", laid a restrictive duty of four pounds on all slaves imported. This duty was given back, however, if slaves were re-exported within one year or died within six weeks.³ In 1706 an essay or "Computation that the Importation of Negroes is not so profitable as that of White Servants" was published in Boston. The reasoning was from a financial basis, but it was strongly presented and there can be but little doubt but that slavery in Massachusetts was not a pronounced financial success.⁴ This essay may have been written by Judge Sewall ⁵ who was a prominent anti-slavery man who succeeded in tempering some acts passed against slaves. The importation of Indian slaves into Massachusetts was prohibited in 1712.⁶ In 1708 ⁷ "An Act to encourage the Importation of White Servants" was

1. Hist. of Slavery in Mass., 49 (Mass. H. S. Coll., III, VIII, 337)

2. Ibid. 52. (Drake's Boston, 525. M. H. S. Coll., II, VIII, 184.)

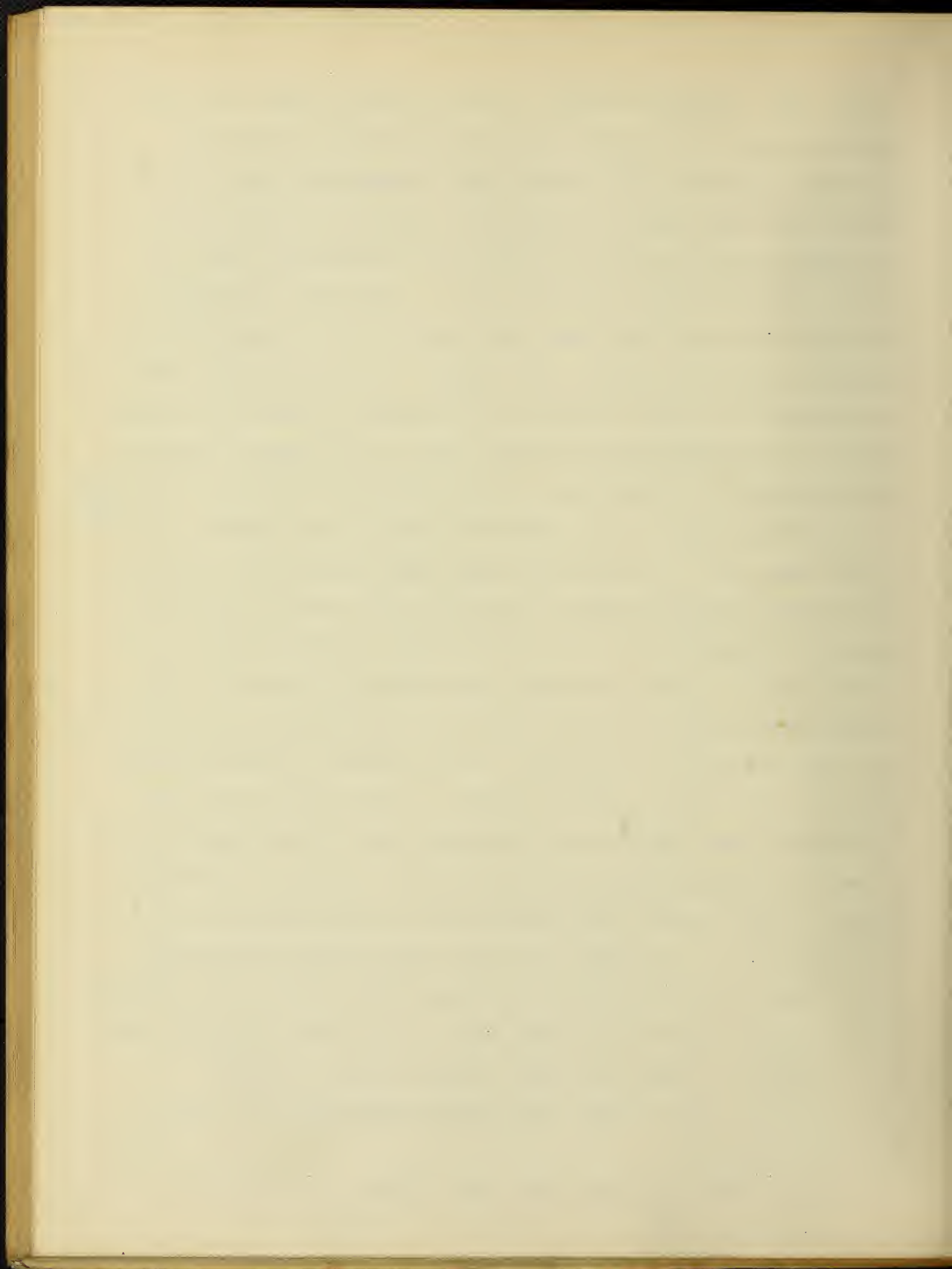
3. Acts and Resolves of Prov. of Mass. Bay I, 578.

4. Hist. Slav. in Mass., 106 (Boston News Letter, No. 112).

5. Ibid., 89.

6. Acts and Res. Prov. Mass. Bay, I, 698.

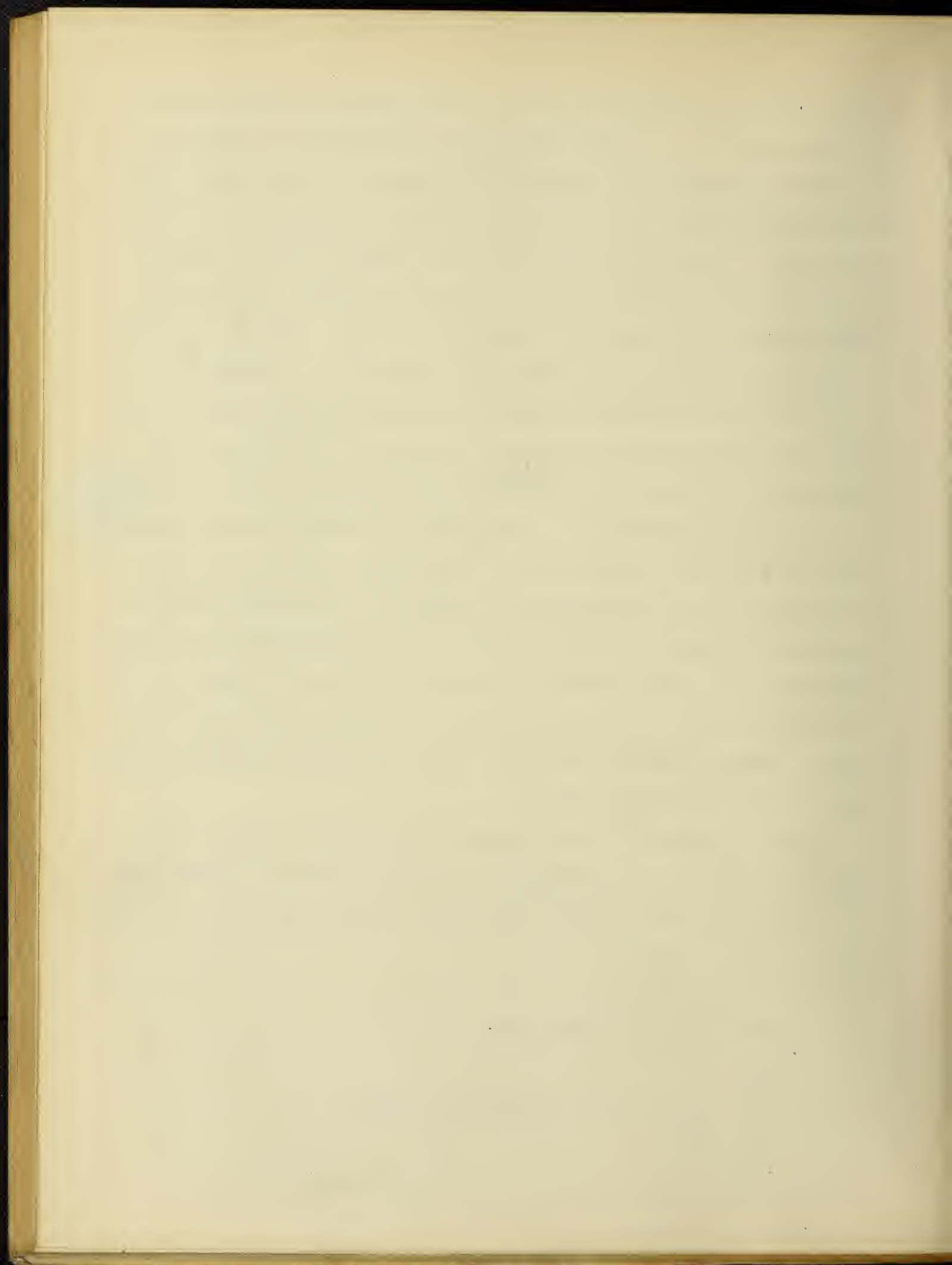
7. Ibid. I, 634.



passed and it was resolved "that the Importation of Black Servants be discouraged".^{1.} In 1728 "An Act ~~more~~ effectually to secure the Duty on the Importation of Negroes " was passed. The reason given for its passage was the frequent evasion of the payment of the four pound duty. The penalty prescribed for evasion (1728) was \$100. The duty was to be drawn back if a slave died within a year after importation. The act was to continue for seven years.^{2.} In 1738 a similar act was passed to continue in force for ten years.^{3.} In 1771 Governor Hutchinson vetoed a bill which prohibited the importation of negro slaves because he conceived it "to come within his Majesty's Instruction to ~~serve~~^{Sir} Francis Bernard, which restrains the Governor from Assenting to any Laws of a new and unusual nature".^{4.} A similar bill was vetoed in 1774.^{5.} As early as 1785 a committee was appointed by the Legislature to consider the measures proper to be adopted to prevent the inhabitants of the commonwealth from being concerned in the slave trade.^{6.} Finally on the 26th of March 1788, "An Act to prevent the Slave-Trade, and for granting Relief to the Families of such unhappy Persons as may be Kidnapped or decoyed from this Commonwealth" was^{7.} passed.

A most interesting letter written from Boston in 1681 shows that Boston was even then engaged in the importation of slaves from

1. Acts and Res. of Prov. Mass. Bay, I, 580(Council Rec. X,259).
2. Ibid. II, 517.
3. Ibid. II, 981.
4. Hist Slavery in Mass. 131.
5. Ibid. 137.
6. Ibid 224 (H. of R. Journals, V, 222).
7. Ibid., 226.



Africa, some of the wealthiest people being engaged in it. The letter also shows that Rhode Island, afterwards so deeply involved in the slave trade, was then opposed to it.^{1.}

Connecticut.

July 15, 1680 the Governor of Connecticut reported; "There are but few servants amongst us, and less slaves, not above 30, as we judge in the colony.

For Blacks, there comes sometimes 3 or 4 in a year from Barbadoes; and they are sold usually at the rate of twenty-two^{li} a piece, sometimes more and sometimes less, according as men can agree with the master of vessels, or merchants that bring them thither.

We can give no account^t of the perfect number of either born; but few blacks; and but two blacks christened, as we know of".^{2.}

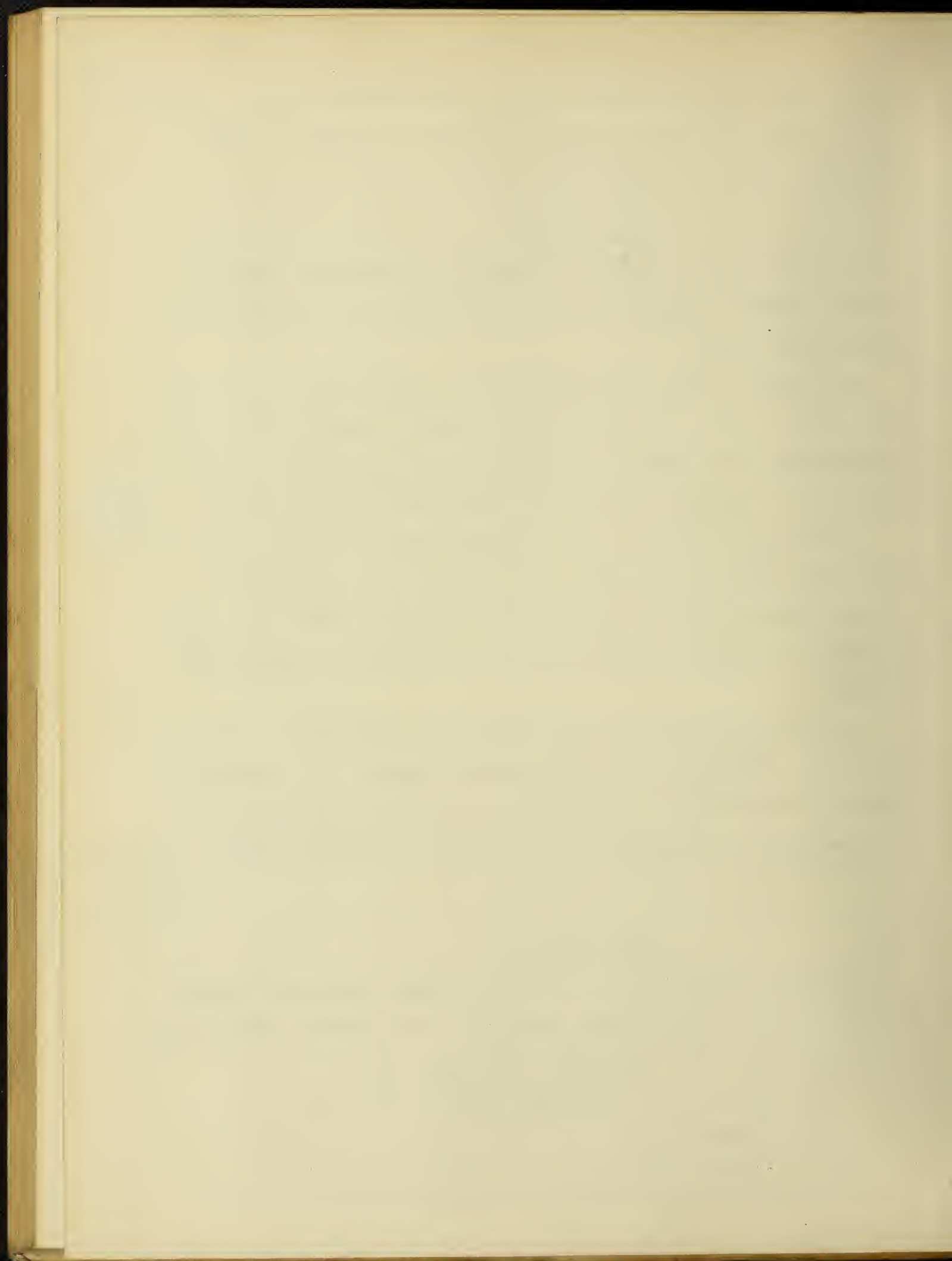
The report of the Governor in 1735 seems to warrant the statement that no duty was imposed at that date upon the importation of slaves.^{3.}

In October 1774 "An act for prohibiting the Importation of Indian, Negro or Molatto Slaves" was passed, because "the increase of slaves in this Colony is injurious to the poor and inconvenient". No slaves were to be imported under penalty of £100 per slave.^{4.}

New Hampshire.

When His Majesty sent, in 1732, an inquiry concerning negroes and felons to the House in New Hampshire, the following was received

1. New Eng. Hist. and Geneal. Reg. XXXI, 75.
2. Col Rec. of Conn. 1678-1689, 298.
3. Ibid. 1735-1743, 21.
4. Ibid. 1772-1775, 329.



in reply ~~was received~~. "We have considered his Maj^{ties} Instruction relating to an Impost on Negroes & Felons, to which this House answers, that there never was any duties laid on either, by this Go^vern^t, and so few¹ in that it would not be worth the Publick notice, so as to make an act concerning them".¹ This statement seems to have been true, and to be an epitome of the history of slavery in New Hampshire.

Vermont.

Vermont separated from New York in 1777, and on July 2 of that year adopted her first constitution. This constitution declared slavery illegal.² In 1786 the sale and transportation of slaves within her boundaries was prohibited by law.³

As early as 1663 the Burgomasters of Amsterdam borrowed money for the purchase of slaves which were probably to be sent ^{of} America.⁴ That the South imported far more slaves than the North is well known. In 1784 five or six thousand slaves was considered as the yearly average of the supply from the Guinea coast to Virginia,⁵ although the Virginia delegates at Williamsburg had ten years earlier adopted resolutions against the slave trade.⁶ In 1786 Charles Thomson in a letter to Thomas Jefferson said of slavery: "This is a cancer that we must get rid of. If it can not be done by religion, reason and philosophy, confident I am that it will one day be by

1. Provincial Papers N. H., IV, 617.

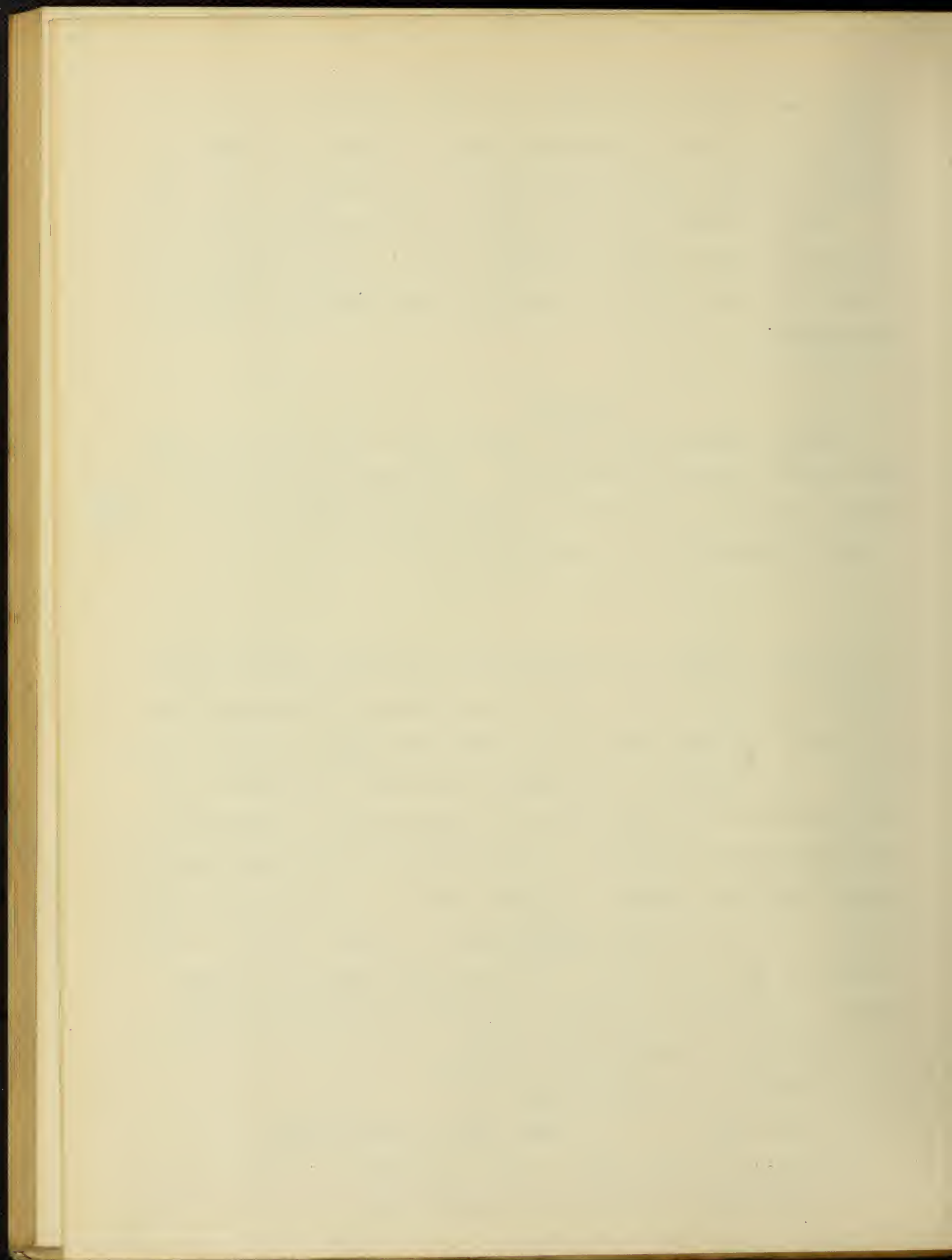
2. Vermont State Papers, 244.

3. Ibid., 505.

6. Amer. Revol. (Niles) 198.

4. Doc. rel. to Col. Hist. of N. Y. II, 215.

5. Allgemeines historische Taschenbuch, 17.



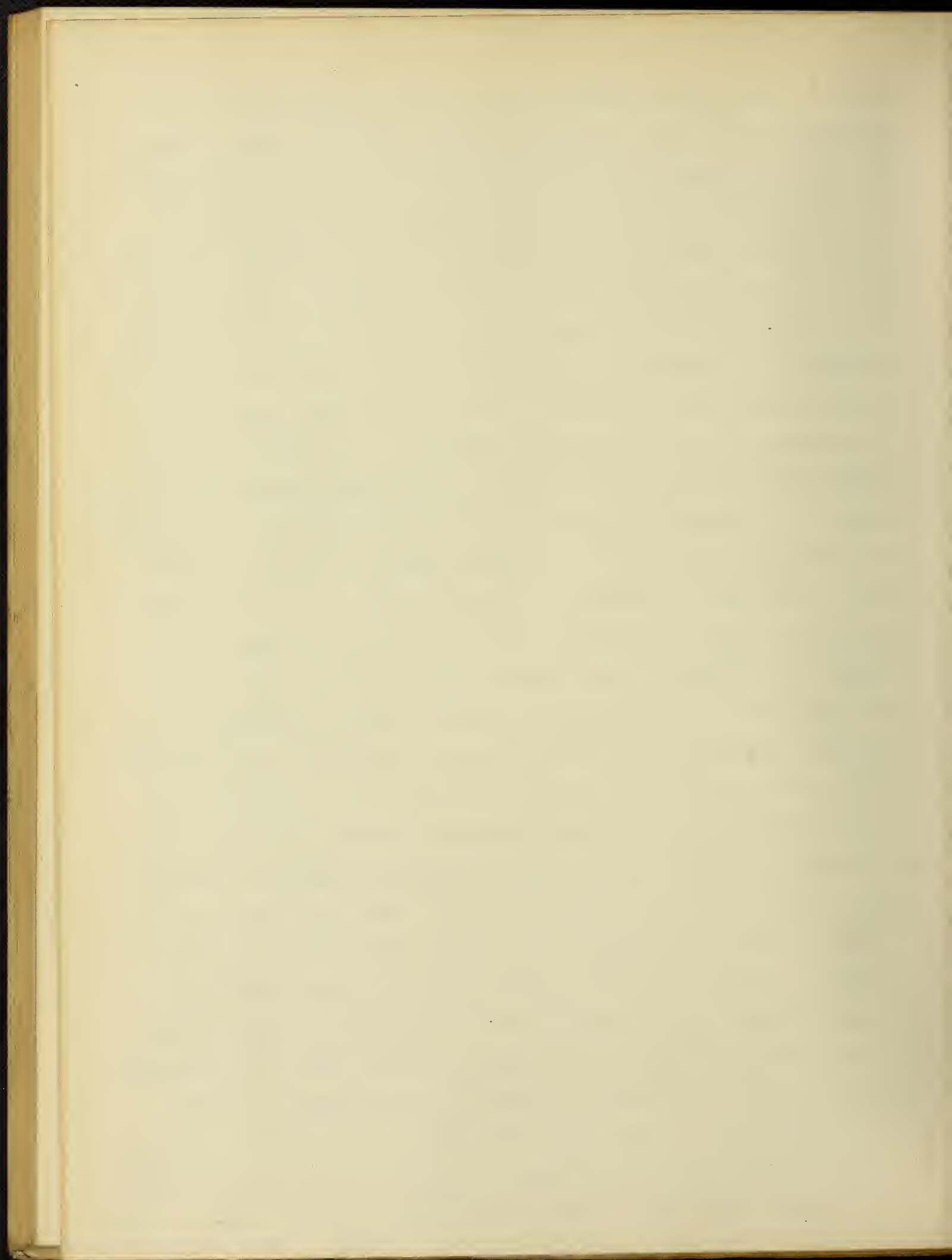
blood".^{1.} John Adams speaking (April 6, 1776) of resolutions passed by Congress says: "There is one resolution I will not omit. Resolved, That no slaves be imported into any of the thirteen colonies".^{2.}

The colonial slavers engaged in a perfect circle of traffic. The most common venture was to load with colonial products other than rum, go to the West Indies and trade for molasses, bring the molasses to the colonies to be made into rum, take the rum to Guinea and exchange it for slaves, sell these in the West Indies or in the colonies thus completing the circle. The rum/distilling industry was, at the middle of the 18th century, enormous. At that time Massachusetts alone produced more than fifteen thousand hogsheads of rum annually. In Newport there were no less than twenty-two stills running without interruption.^{3.} "A typical voyage is that of the brigantine 'Sanderson' of Newport. She was fitted out in March 1752, and carried, beside the Captain, two mates and six men, and a cargo of ~~sixty~~ 8220 gallons of rum, together with 'African' iron, flour, pots, tar, sugar, and provisions, shackles, shirts, and water. Proceeding to Africa, the captain after some difficulty sold his cargo for slaves, and in April 1753, he is expected in Barbadoes, as the consignees write. They also state that slaves are selling at £33 to £56 per head in lots. After a stormy and dangerous voyage, Captain Lindsay arrived, June 17 1753, with fifty six slaves, 'all in health & fatt'. he also had 40 oz. of gold dust, and 8 or 9 cwt. of pepper. The net proceeds of the sale of all this was £1324 3d. The captain then took on board 55 hhd. of molasses and 3 hhd. 27 bbl. of sugar, amounting to £911 17s. 2 1/2d., received bills on Liverpool for the balance, and returned in safety to Rhode Island. He had

1. Coll. of N. Y. Hist. Soc. 1878, 214.

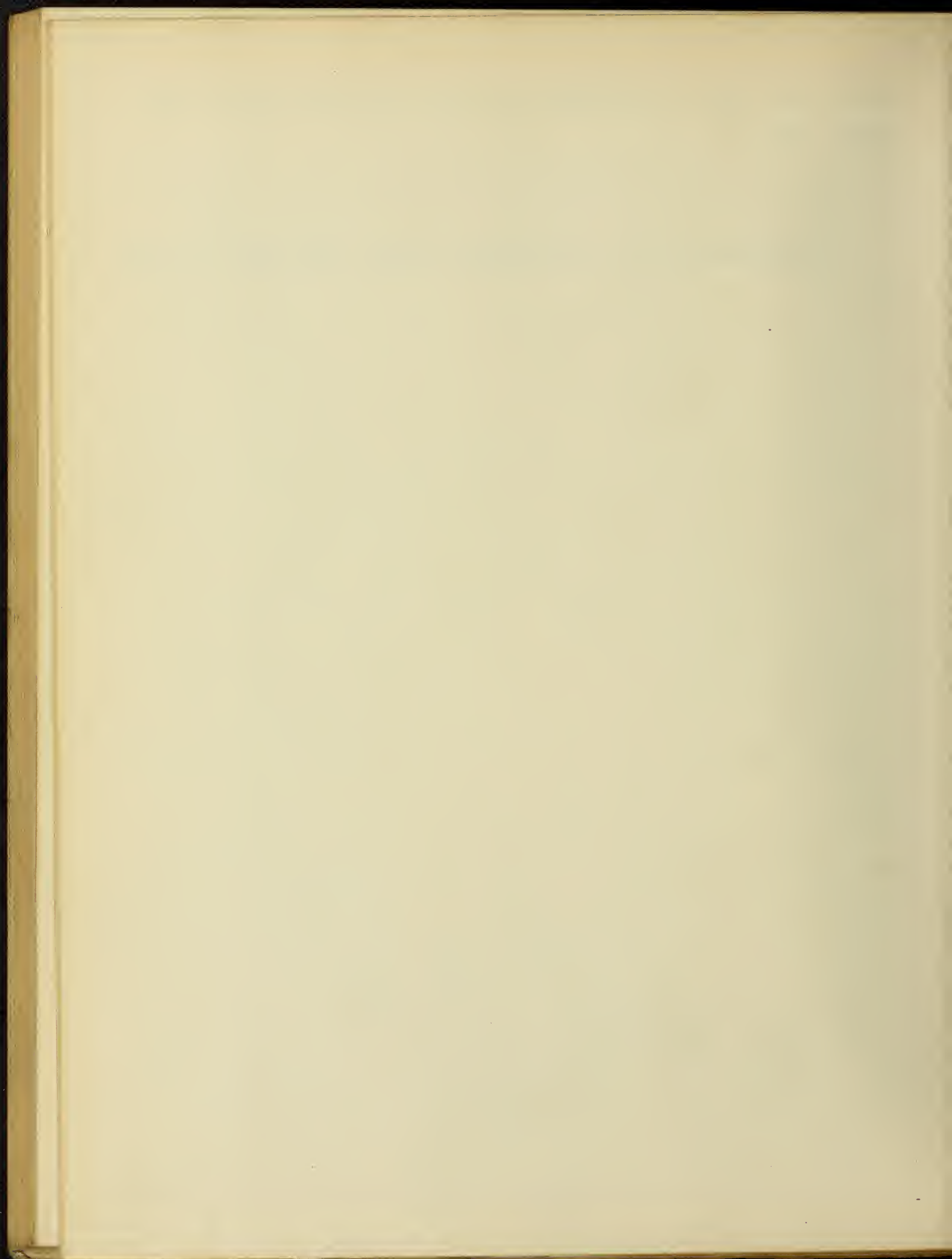
2. Life and Works of John Adams, III, 39.

3. Amer. Hist. Reg., I, 315-319, 338-342.



done so well that he was immediately given a new ship and sent to Africa again." ¹.

1. Suppression of the Slave-Trade, 28(Amer. Hist. Reg., I, 315).



CHAPTER V.

Internal Laws relating to Negroes.

A survey of the regulations of the importation of negroes shows that by the time of the Revolution many restrictive measures had been passed. If we now turn to the internal laws of the colonies concerning negroes we may be enabled to find some reasons for the decrease in the popularity of the institution of slavery in the northern colonies.

New York.

No less a personage than Louis XIV was interested in the negro slaves of New York in 1687, for in that year Louis wrote to the authorities in Canada to do what they thought proper about returning two negro deserters from New York.¹ Desertion was not the only negro fault. In 1695 an act against the profanation of the Lord's Day provided that if a negro was guilty of such profanation he should be fined six shillings and in default of payment should receive "Thirteen Lashes upon the naked Back" for each offense. White offenders were fined, not whipped.² An act for regulating slaves was passed in 1702, revived in 1705, 1719, and 1726, and expired July 1, 1733.³ Lord Cornbury commenting on the act of 1702 declared it to be "absolutely necessary through the great insolency" of the negroes.⁴ When revived in 1726, a provision⁵ was added which made traffic with (not in) slaves a criminal offense. There was an act to prevent the running away of negroes to Canada passed in 1705.⁵ This

1. Doc. rel to Col. Hist. N. Y. IX, 323.

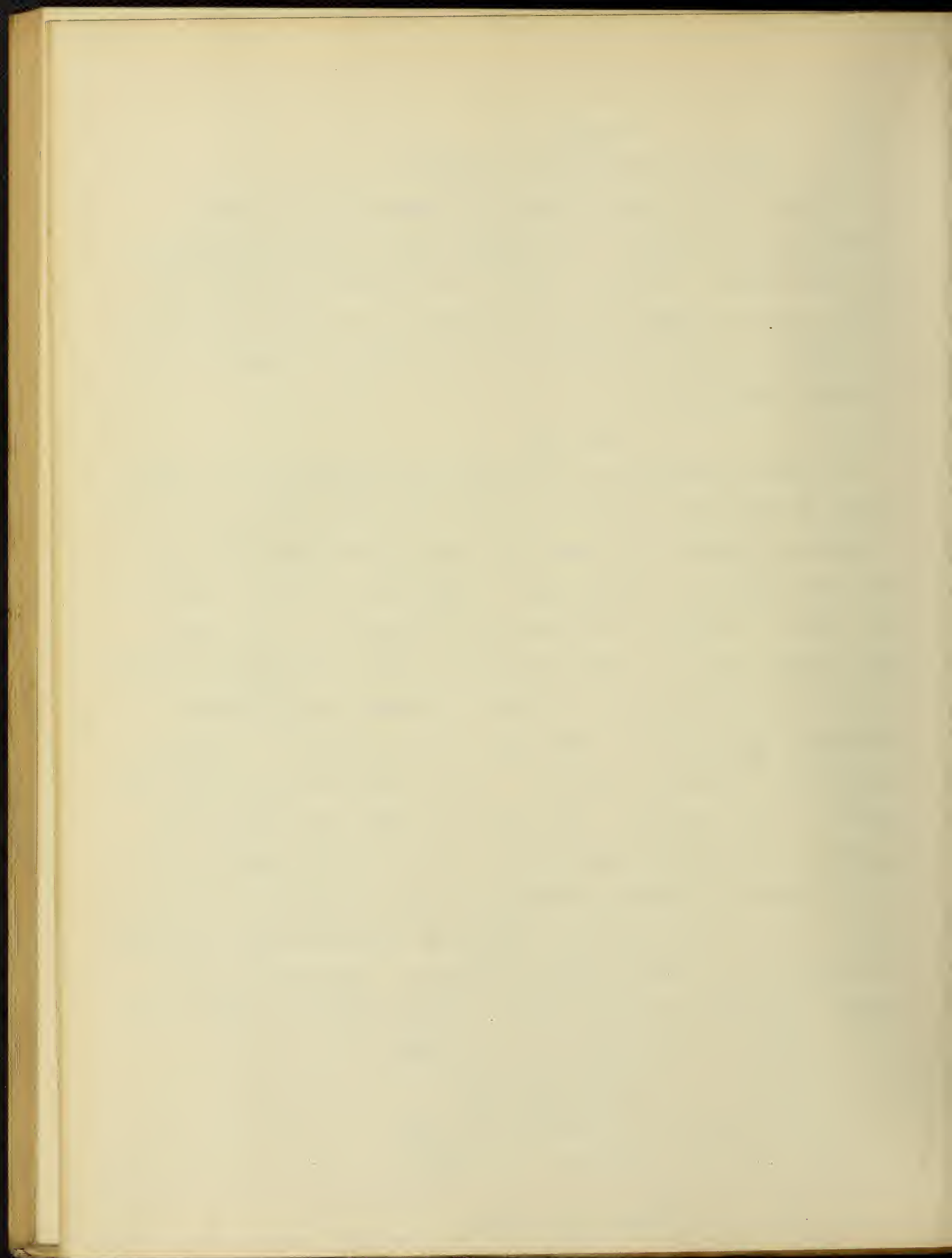
2. Laws of N. Y., 1691-1773 I, 23.

3. Ibid. 1691-1773, I, 51, 68, 113, 142.

Doc. rel to Col Hist. N. Y. V, 782.

4. Ibid. IV, 1004.

5. Laws of N. Y. 1691-1773. I, 67.



act was revived in 1715^{1.} and a similar act was passed in 1745.^{2.}
This latter act expired at the end of the French war.^{2.}

A sentiment early grew up among the whites that no baptized negro should remain a slave, but a law of 1706 declared that baptism did not manumit.^{3.} It also provided that ~~il~~-legitimate children ~~x~~ should assume the status of the mother and that no slave should be a witness in any court for or against a freeman.^{3.} A law passed in 1708 for suppressing immorality provided that any negro who should be found guilty of swearing, cursing, drunkenness, or talking impudently to any Christian should be punished with not more than forty stripes.^{4.} This law, like that of 1695, provided that whites should be fined but not whipped.^{4.} An act to prevent the conspiracy of slaves was passed in 1708, confirmed in 1709, and repealed by the slave code of 1730.^{5.} This, it will be observed, was prior to the great negro conspiracy of 1712.^{6.} In 1709 the Queen disallowed an act "for Regulating Negro Indians and Mulatto Slaves within the Province of New Jersey" because of the severe punishments prescribed.^{7.} When negroes had already been legally burned,^{8.} one is inclined to wonder what these severe punishments to which the Queen objected may have been. In 1712 after the conspiracy of the negroes an act was passed "for preventing, suppressing, and punishing the Conspiracy and Insurrection" of slaves.^{9.} The act was explained and rendered

xx 1. Laws of N. Y. 1691-1773, I, 103.

2. Ibid. I, 252.

3. Ibid. I, 69.

7. Ibid. V, 157.

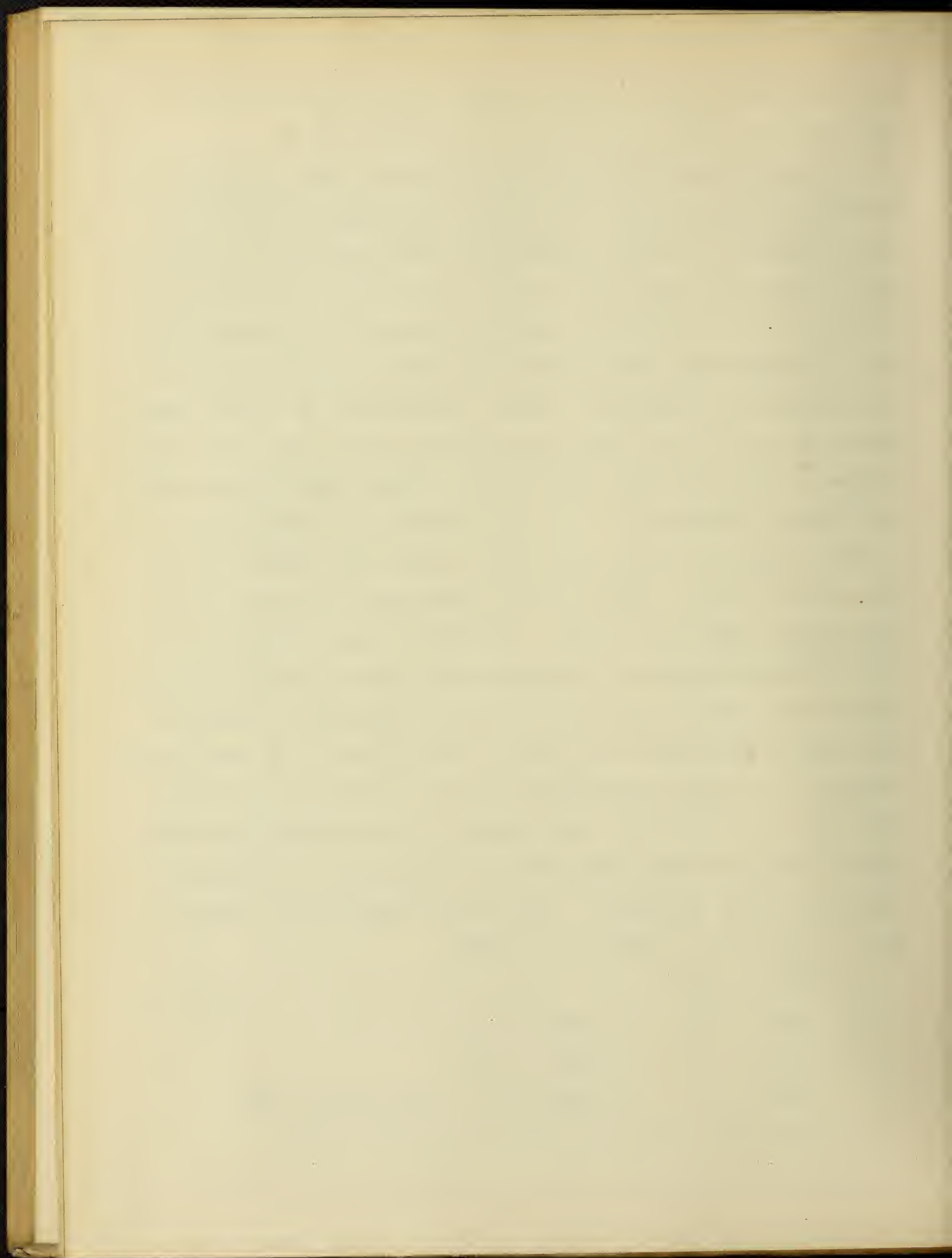
4. Ibid. I, 72.

8. Ibid. V, 39.

5. Ibid. I, 76.

9. Laws of N. Y. 1691-1773, I, 88.

6. Doc. rel. to Col. Hist. of N. Y. V, 341 et seq.



more effectual in 1717, and repealed by the slave code of 1730.^{1.}

Reverend John Sharp, in 1713, lamented that so few negroes were baptised, especially since a law had declared that baptism did not free a slave. He also complained of the injustice of refusing to allow even a Christian negro to testify against a white person while at the same time the testimony of a negro not a Christian might affect even the life of a Christian negro. The minister also declared that among slaves marriages were performed merely by mutual consent, and burial was without the office of clergy, being accompanied even by heathenish rites.^{2.}

In 1715 Governor Hunter complained to the Lords of Trade that much trouble had arisen because although there was a law providing that if a negro were manumitted by the will of his master, the executor must give bond for the freedman's maintenance, there was no way to compel the executor to give bond.^{3.}

In reply the Lords of Trade directed the passing of a new law.^{4.}

Considerable difficulty in the collection of the duty on slaves was experienced. A new law passed in 1729 provided that the treasurer should appoint deputies in the counties to collect the duty.^{5.}

If the duty was not paid the negro was to be seized.^{5.} Deputies failing to pay the duty were to be prosecuted.^{5.} Twice, in 1730 and 1788

respectively, New York seems to have had a sort of house cleaning in her law department. On these occasions old laws concerning slaves were repealed and new codes were passed. The law of 1730^{6.} provided that no one should "trade or traffick" with slaves; that

1. Laws of N. Y. 1691-1773, I, 88.

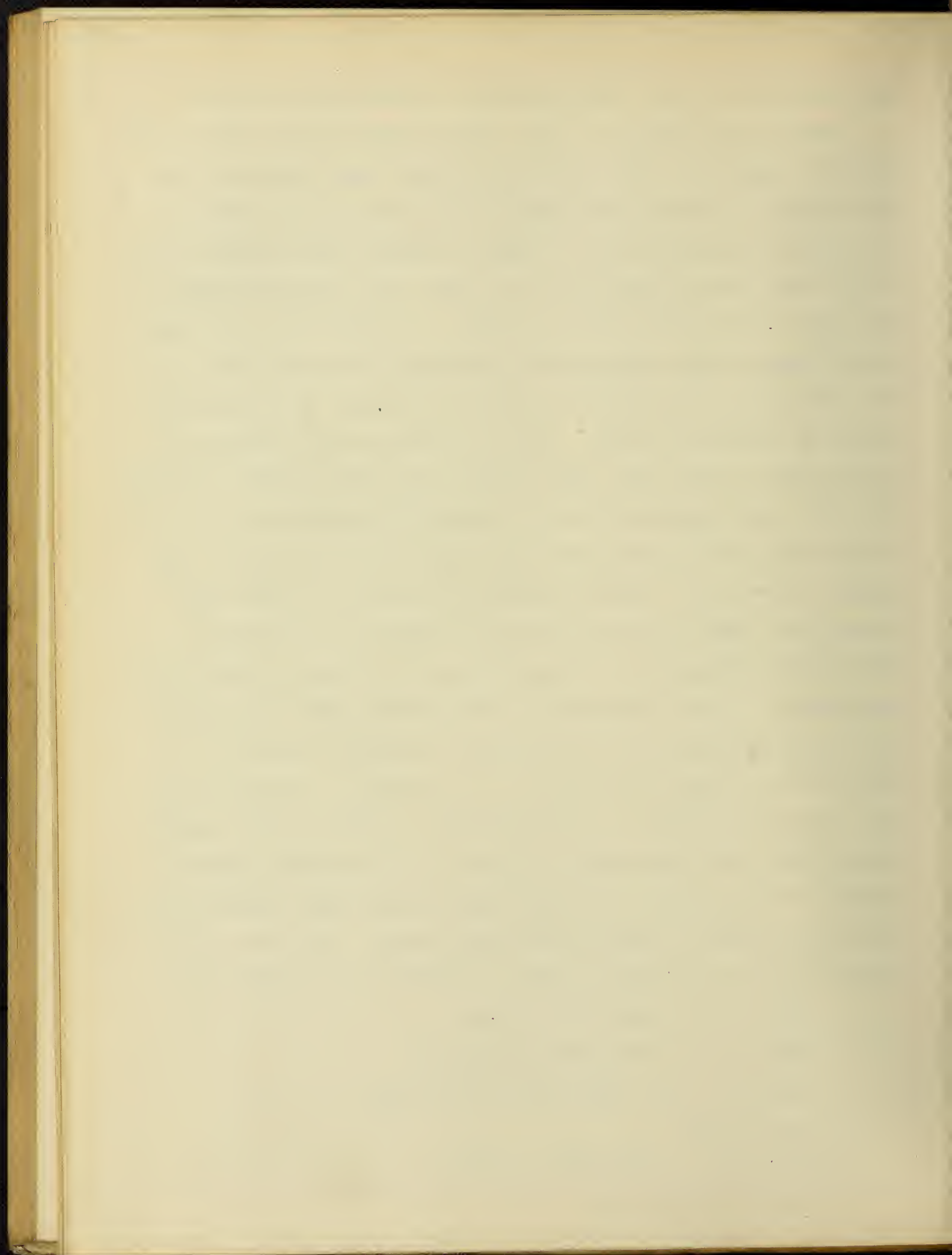
2. Coll. of N. Y. Hist. Soc. 1880, 348.

3. Doc. rel to Col. Hist. of N. Y. V, 460.

4. Ibid. V, 471.

5. Laws of N. Y. 1691-1773, I, 152.

6. Ibid. I, 157 et seq.



contracts with slaves should be illegal; that no strong liquors should be sold to slaves; that masters might inflict upon their slaves punishment "not extending to Life or Limb"; that not more than three slaves should meet together; that each manor ^{and} ~~in~~ town might appoint a common whipper who should whip slaves for a fee of three shillings per head; that no slave should strike a white man; that no slave ~~x~~ should be entertained without the consent of his master; that no master should compound for the offenses of his slaves; that manumitted slaves must have security given for their maintenance; that owners should make good the trespasses committed by their slaves; that evidence of slaves should not be allowed except against other slaves; that a slave accused of murder should be tried before a committee of justices without a jury, unless the master of the slave desired a jury; that no slave should carry arms. Previous laws concerning the various items here enumerated were repealed. The reason given for passing a new slave code was that difficulty had arisen in interpreting former laws.^{1.}

In 1734 a tax was laid on slaves.^{2.} The act expired in 1744.^{2.} In 1750 the French were asked to appoint a place for the redemption of slaves by the English.^{3.} Governor Hardy, in 1757, attempted to secure the levying of a tax on slaves, but the assembly would not grant such a tax.^{4.} The articles of capitulation for the surrender of Canada provided that the French might retain their slaves and "continue to bring them up in the Roman religion".^{5.} During 1764 and

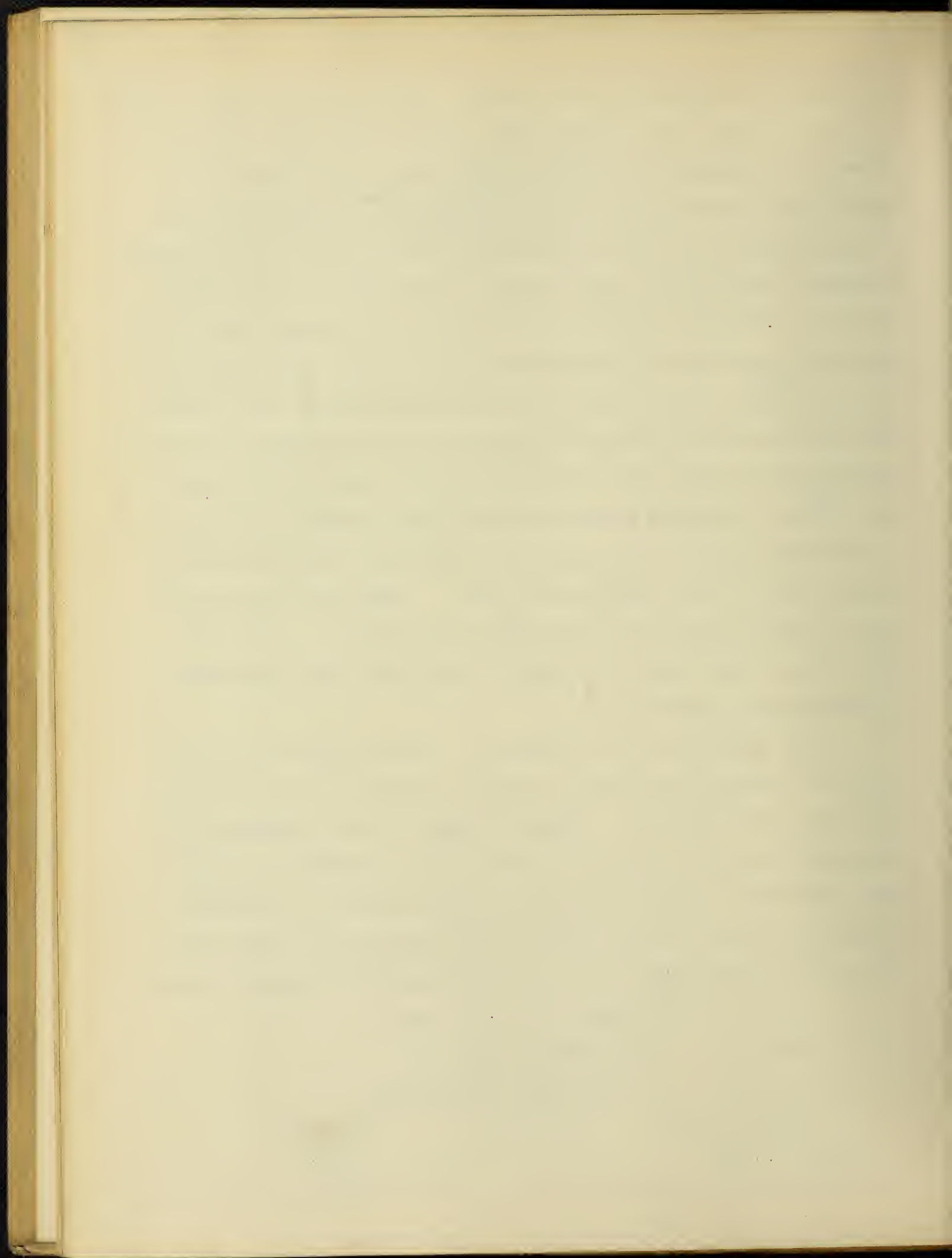
1. Doc. rel to Col. Hist. of N. Y. V, 905.

2. Laws of N. Y. 1691-1773, I, 186.

3. Doc. rel to Col. Hist. of N. Y. VI, 544.

4. Ibid. VII, 217.

5. Ibid. X, 1118.



1765 Sir William Johnson negotiated articles of peace with various Indian tribes including the Senecas,^{1.} Hurons,^{2.} Genesees,^{3.} Six Nations,^{4.} and Delawares.^{5.} These articles invariably stipulated that runaway negroes should be restored. This was a provision to which the Indians seemed reluctant to assent.^{6.} During the Revolution New York both encouraged slaves to enlist and encouraged their masters to allow them to do so.^{7.} In 1784 a law providing for the disposal or maintenance of the slave^{of} Royalists whose estates had been confiscated was passed,^{8.} and a more explicit law of similar import followed two years later.^{9.} A second revision of laws similar to that of 1730 occurred in 1788.^{10.} The "Act concerning Slaves" passed in that year provided that slaves should continue slaves unless manumitted; that children of female slaves should follow the condition of their mothers; that baptism should not constitute manumission; that slaves should not be imported after the passing of the act, nor should any negro who had been imported subsequent to June 1, 1785 be sold; that persons should not be exported for sale as slaves; that slaves should not be entertained; that white persons must not trade with slaves nor sell them liquor; that owners should make good damage done by slaves to the value of £5; that slaves should not strike whites; that slaves should be tried by a jury in capital cases; that the evidence of slaves should not be received except in criminal cases against

1. Doc. rel to Col Hist. of N. Y. VII, 621.

2. Ibid. VII, 650.

3. Ibid. VII, 652.

8. Ibid. I, 174.

4. Ibid. VII, 718.

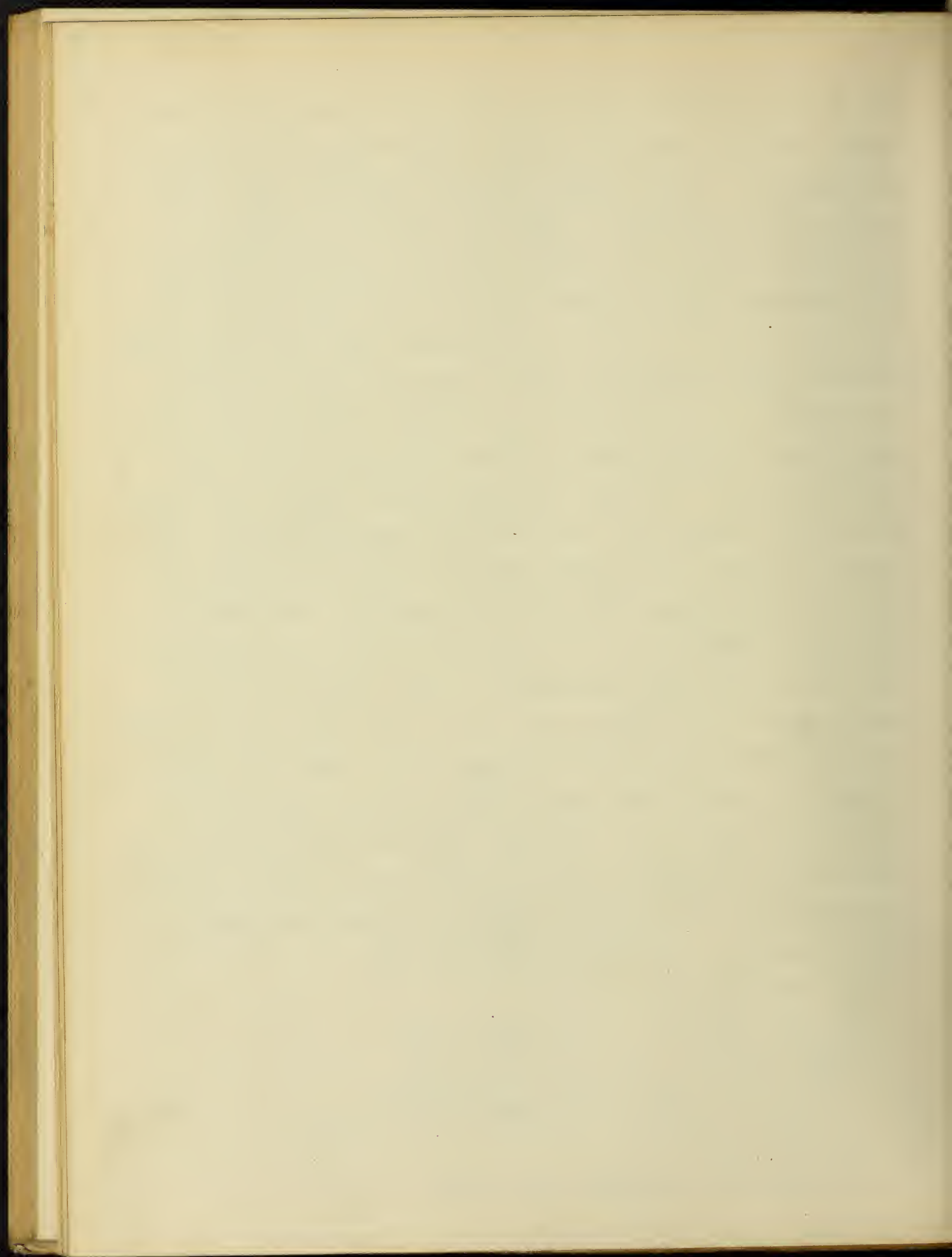
9. Ibid. I, 325.

5. Ibid. VII, 739.

10. Ibid II, 253.

6. Ibid. VII, 732, 738.

7. Laws of N.Y. Sessions 1-12, I, 64.



each other; that slaves might be manumitted under certain prescribed conditions. In the following March a stringent law against inn-keeper's selling liquors to slaves¹ ^{was passed}. The penalty was forfeiture of license.¹ The act intended to encourage the baptism of slaves was repealed in 1788,² probably because it was no longer necessary.

It will readily be seen that the laws of New York against blacks were more stringent than the laws against th^u/₁whites. The two great conspiracies of 1712 and 1741 furnish some clew to the reason. The chief difference in the laws was the infliction of corporal punishment upon negroes and not upon whites. This would possibly have been excused at the time by the fact that whites were able to pay fines while slaves frequently were not able to do so. Capital crimes were apparently the same for all, but conviction was doubtless more easy and execution more barbarous in the case of negroes.

Rhode Island.

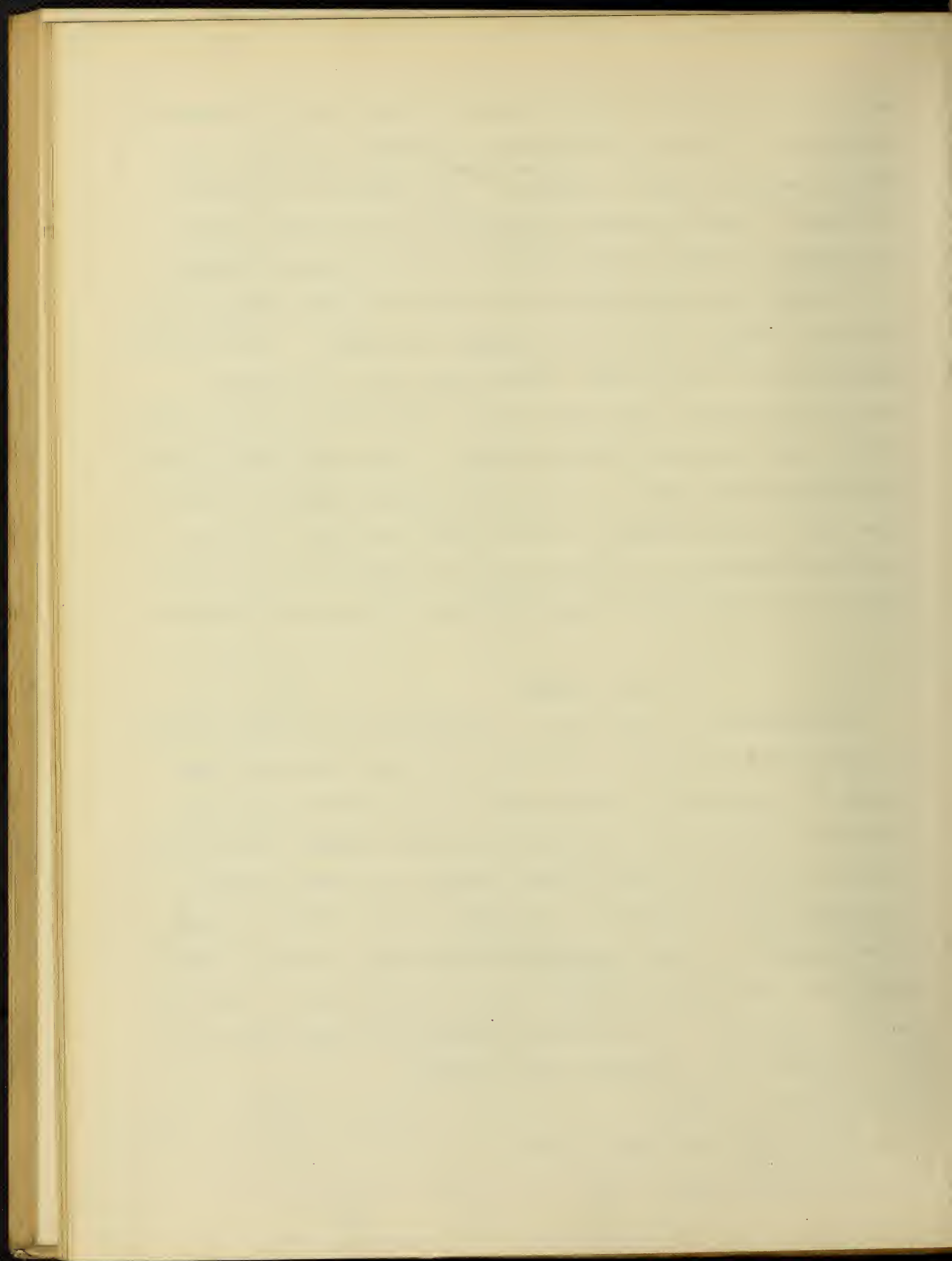
The propensity to run away is a characteristic of negro slaves. One may question whether an individual who would run away from slavery when opportunity offered might not be a better slave than one who had less spirit. In 1714 Rhode Island passed a law providing that no owner of a ferry should transport any slave without a certificate from his master.³ The purpose of the law was to stop runaway slaves.³ Another characteristic of negro slaves is theft and in 1718 Rhode Island provided for the speedy trial of slaves accused of stealing.⁴ A law against the rape of a white woman by a

1. Laws of N. Y. Sessions 1-12, II, 287.

2. Ibid. II, 354.

3. Rhode Island Col. Rec. IV, 179.

4. Ibid. IV, 240.



negro was passed in 1743.^{1.} In 1751 it was provided that no negro should be abroad later than 9 o'clock at night and that there should be no traffic with slaves.^{2.} A law of 1778 provided that the masters of negro apprentices who had enlisted should receive interest upon the appraised value of the slaves until the expiration of their apprenticeship.^{3.} A petition from a slave trader was granted in 1778.^{4.} The slave traders of Rhode Island were numerous. We have seen that her share in the carrying trade of slavery was very important. Her local slavery was comparatively unimportant. In 1779 an interesting case came up concerning the sale of a negro woman and three children. The assembly finding that these negroes were to be sold to North Carolina forbade such sale and required ^{that they be} ~~they be~~ sold in Rhode Island. They also directed a bill to be prepared for prohibiting the selling of slaves out of the state without their (the ~~slaves~~ slaves') consent.^{5.} Since Rhode Island had fewer than 1000 slaves at the time of the first census, it is probable that her trouble with them was less serious than was that of New York.

Massachusetts.

Massachusetts was early engaged in the slave trade. In 1639, long before Louis XIV wrote his letter concerning the ^{runaway} ~~runaway~~ negroes of New York, we find that the General Court of Massachusetts ordered the sum of £ 3 8s. to be paid to Lieutenant Davenport for his expenses on account of certain slaves.^{6.} In 1645 and 1646 the state

1. Rhode Island Col. Rec. V, 74.

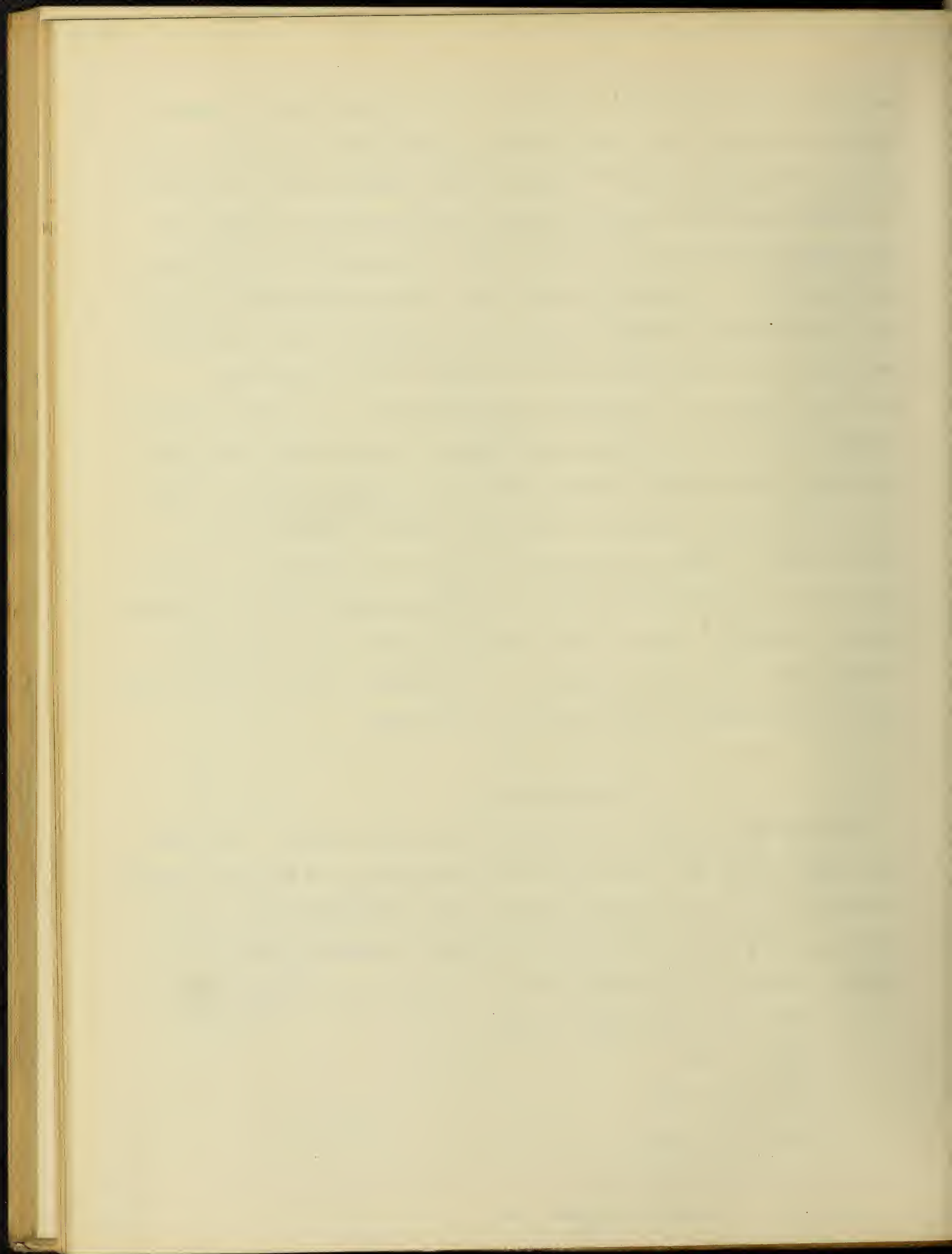
2. Ibid. V, 320.

3. Ibid, VIII, 376.

4. Ibid. VIII., 461.

5. Ibid VIII, 576.

6. Hist. of Slavery in Mass., 9.



determined to send back to Guinea some negroes who had been "fraudulently and injuriously taken" there.^{1.} In 1692 male slaves of sixteen years old or upwards were rated at twenty pounds, and females at £14.^{2.} In 1693 traffic with slaves was forbidden.^{3.} In 1694 (March and June) and at subsequent dates, a poll tax of 12d. was laid upon slaves.^{4.} Sometimes slaves were taxed as other personal estate.^{5.} In some cases the phrase "not excluding faculties" was inserted,^{6.} on the ground doubtless that an intelligent negro was more valuable than an equally strong but stupid one. A law of 1698 provided a penalty for the reception of stolen goods from slaves.^{7.} In 1703 slaves were forbidden to be abroad^{or} after 9 o'clock at night.^{8.} The preamble to the act gives the inference that slaves were sometimes very noisy in the late hours.^{8.} In 1705 a law forbidding marriage between negroes or mulattoes and whites was passed.^{9.} Samuel Sewall secured the insertion of a clause forbidding masters to refuse assent to the marriage between negroes, unless the masters could give good reason for such refusal.^{9.} The colored offender was to be sold from the state.^{10.} In 1707 negro males were estimated at £20 and negro females at £15.^{11.} In 1716 Samuel Sewall tried "to prevent Indians and negroes being ~~Ran~~^tned with Horses and Hogs but could not

1. Rec. of Mass., II, 136, 176; III, 58.

2. Acts and Res. of Prov. of Mass. Bay, I, 91, 214.

3. Ibid. I, 156.

4. Ibid. I, 167, 199, 179, 187.

5. Ibid. I, 240, 258, 278, 302, 337, 359, 413, 386, 483, 495, 521, 551, 569, 610, 627, 661, 694, 714, 747.

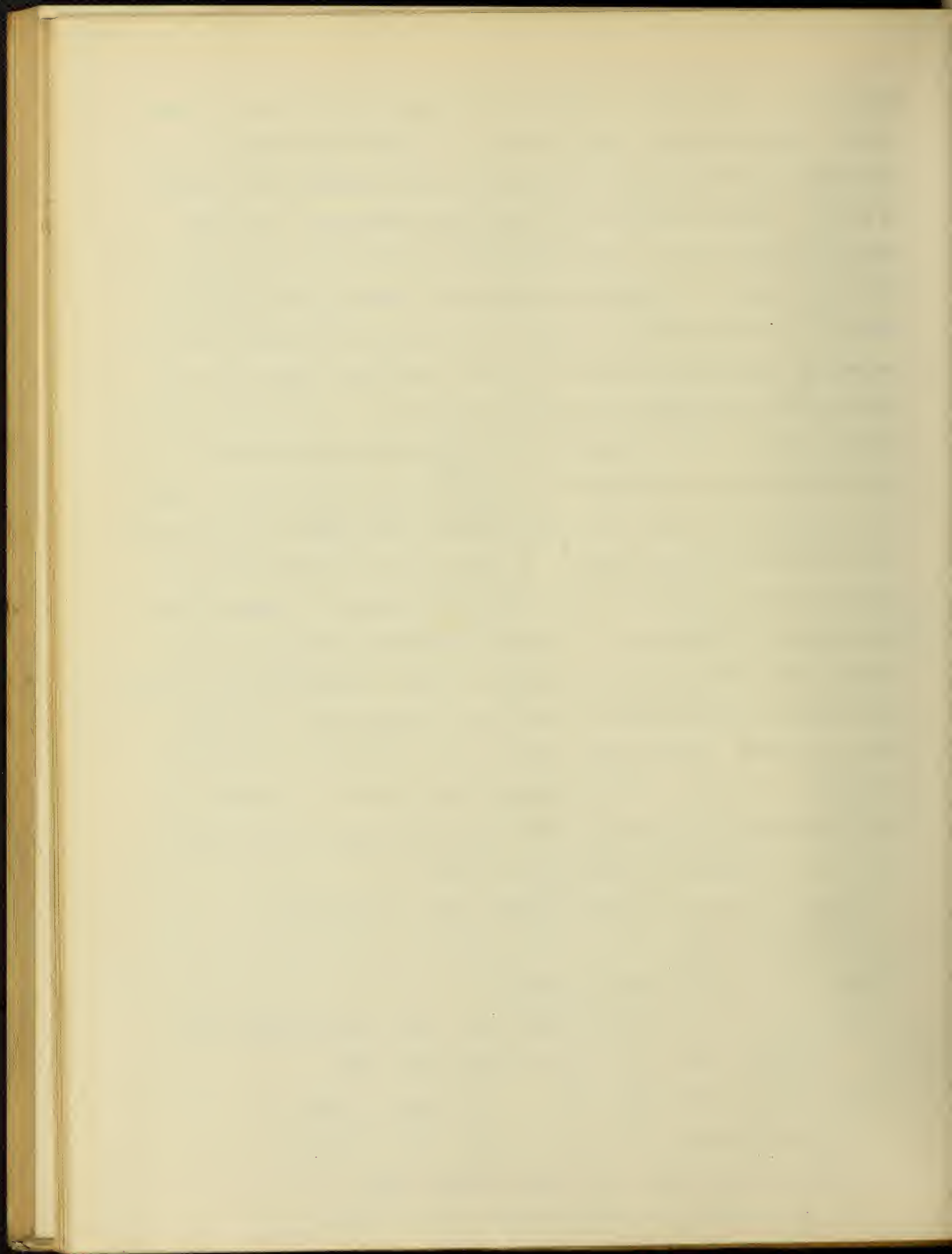
6. Ibid. I, 337, 359, 386.

11. Ibid. I, 614.

7. Ibid. I, 325. 8. Ibid. I, 535.

9. Mass. Hist. Coll., VI, Fifth Series, 143.

10. Acts and Res. of Prov. of Mass. Bay, I, 578.



prevail." ^{1.}

Massachusetts soon became aware of the undesirable quality of a "spurious and mixt issue". Her slaves were intermediate in number between ^{use} those of New York and Rhode Island. Her slave code was hardly so drastic as was that of New York.

Connecticut.

Trading with slaves was forbidden in Connecticut in 1708. ^{2.}
By the same law slaves were forbidden to strike white persons. ^{3.}
Whites sometimes had troubles between themselves because of one man's enticing another man's slave to work for him. ^{3.}

New Hampshire.

In 1727 negro slaves were rated "ad vallorem" in New Hampshire. ^{4.}
In 1728 they were valued at £ 20 per head, ^{5.} women slaves being excluded from taxation. ^{6.} In 1788 the practice of taxing slaves was dropped and no subsequent legislation recognized the institution of slavery. ^{7.}

Vermont.

Vermont had practically no need of a slave code, since her first constitution declared slavery illegal. ^{8.}

Of the six colonies considered New Hampshire and Vermont had no considerable slave codes. Each of the remaining four forbade traffic with slaves. Theft and running away were common offenses.

1. Mass. Hist. Coll., VII, 87.

2. Col. Rec. of Conn. 1706-1716, 52.

3. Ibid. 1744-1750, 485, 520, 577.

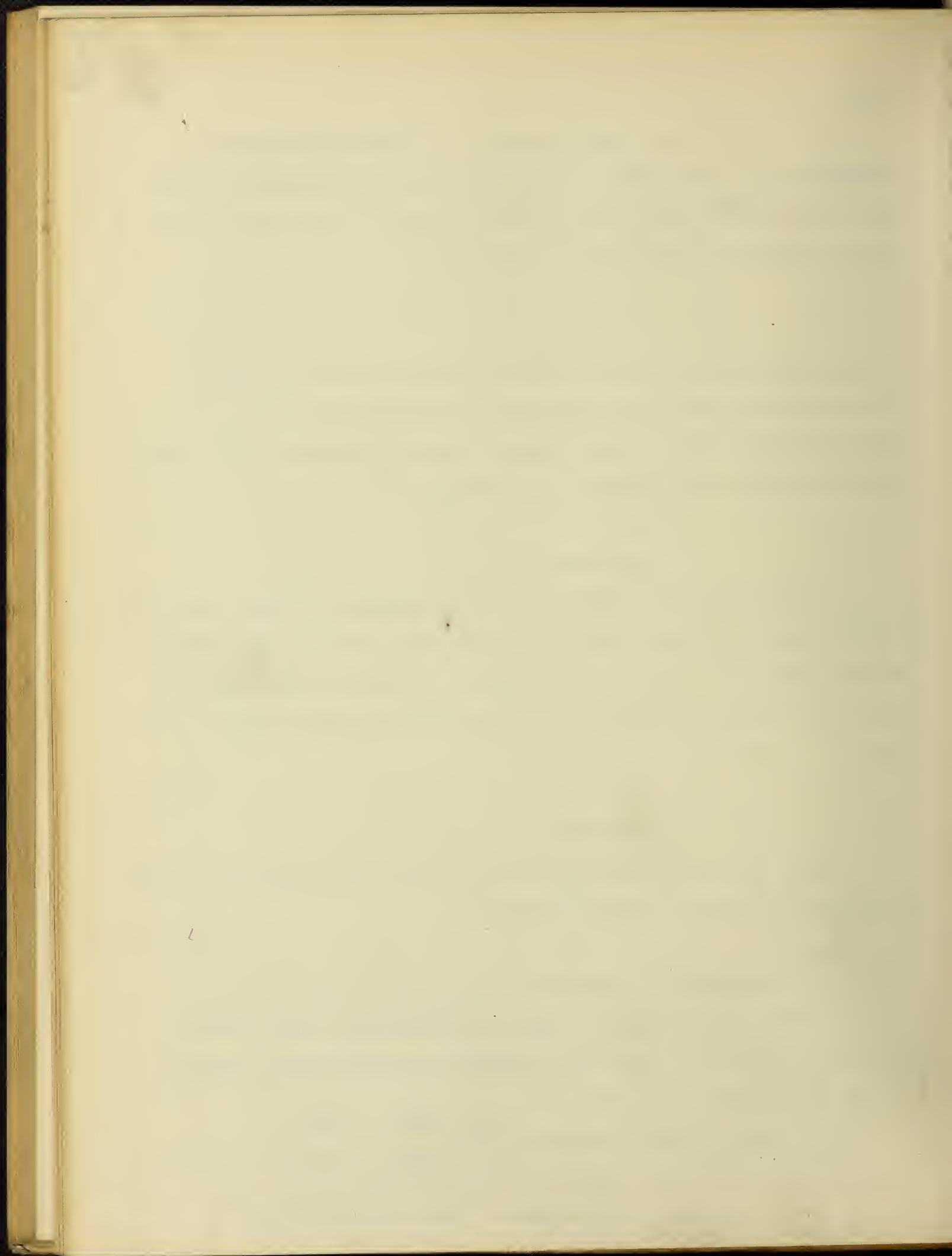
4. Prov. Papers N. H., IV, 450. 5. Ibid. IV, 301, 305.

6. Ibid. IV, 301, 305.

6. Ibid. IV, 499.

7. Granite Monthly, VI, 378.

8. Vt. State Papers, 244.



CHAPTER VI.

Treatment of Negroes.

The treatment of the negro in the colonies furnishes a commentary upon his social standing. His functions as property and as person were continually intertwined. Massachusetts taxed negroes as other property at times and also taxed them as polls.^{1.} The negro was usually considered as other chattels. Peter Faneuil puts five negroes into the same inventory that contains his horse and watch, each slave being worth from seven to ten times as much as the horse and about as much as the watch.^{2.} Runaway slaves were to be returned when found, just as other articles found should be returned,^{3.} and might be stolen on occasion,^{4.} or might be confiscated or taken in payment of debts.^{5.} They might be disposed of in a will at the pleasure of the owner.^{6.} Their sale was naturally a matter of course and they were advertised with considerable skill.^{8.} Bills of sale which resemble deeds to land were used,^{9.} restrictions upon future sales being sometimes imposed.^{10.} Sometimes slaves were banished, the most remarkable case being that furnished by Massachusetts in 1788. By the action of the General Court (legislative assembly) all negroes not subjects of the Emperor of Morocco, or citizens of some one of the United States were ordered to leave the colony within two months.

1. Acts and Res. of Prov. of Mass. Bay, I, 91, 167, 240, 614.

2. Economic and Social Hist. of New Eng. II, 909.

3. Corres. of Revolution, Letters to Washington, I, 31.

Hist. of Slavery in Mass., 170, 165. 7. Hist. Mag. XII. 473.

Historical Magazine II, SS., 294. 8. Hist. of Slav. in Mass. 62

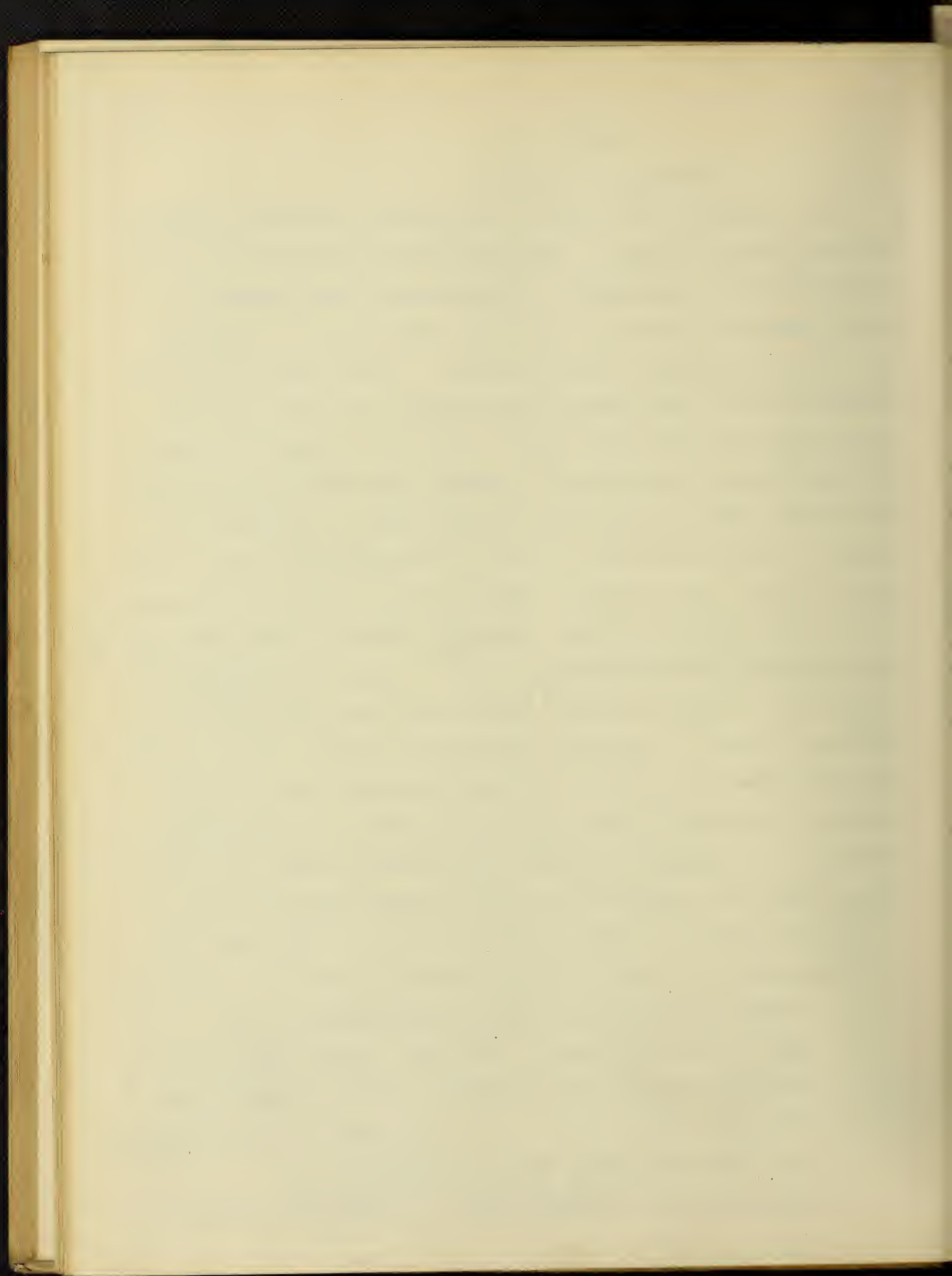
Ibid. XIII, 498.

9. Ibid. 57. Hist. Mag. XII. 473.

Doc. rel to Col. Hist. of N. Y. IV, 478.

10. Mag. of Amer. Hist. XIV, 210.

4. Ibid. II, 578. 5. Ibid. II, 590. 6. Ibid. II, 521, 474.



This law seems to have been enforced at times.^{1.} Cases of the most extreme cruelty were not wanting although they may have been rare. One case of the death of a slave from the effects of whipping is recorded and the perpetrators were not even arrested. This outrage was in a northern colony, although it may have been south of New York.^{2.} A Massachusetts master who, in 1781, beat his slave, was not so gently dealt with. He was indicted and found guilty, his fine being fixed at forty shillings. "This decision was a mortal wound to slavery in Massachusetts".^{3.} Negroes were sometimes branded like cattle or horses.^{4.} Slave breeding was at least attempted in Massachusetts and that as early as 1639 - probably the first attempt of the kind in America.^{5.} Some whites held the negro in contempt because he was a negro,^{6.} and they considered that a negro could not from his very nature be a free man.^{7.}

So far we have considered chiefly the treatment of the negro as property. Turning now to the treatment of the negro as a person we find a picture somewhat less dark.

Slaves were not always allowed to drill in the ~~same~~^{train} bands^{8.} although several of the colonies allowed them to enlist.^{9.} For services of a semi-military nature negroes were rewarded.^{10.} The full treatment of the negro as a soldier will be given in another chapter.

1. Hist. of Slav. in Mass., 228.

2. Hist. Mag. VII, S. S., 11.

3. Hist. of Slav. in Mass., 214.

4. Doc rel. to Col. Hist. of N. Y. II, 27.

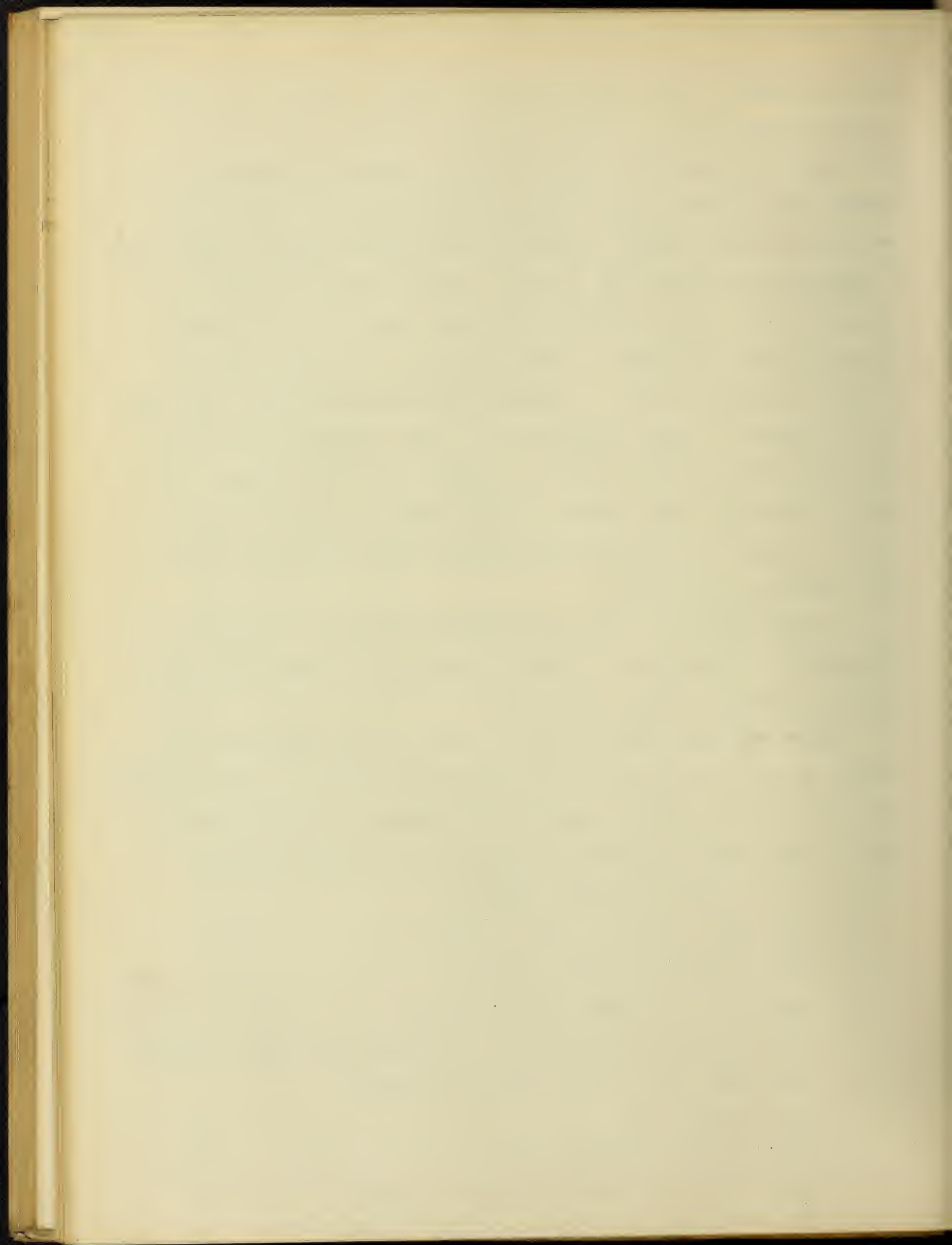
5. Hist. of Slav. in Mass., 7. 10. R. I. Col. Rec. VIII, 210.

6. Doc. rel. to Col. Hist. of N. Y. IV, 492.

7. Ibid. X, 210, 213.

8. Hist. of Slav. in Mass., 243.

9. Doc. rel. to Col. Hist. of N. Y. IV, 377.



Negroes sometimes shared in the goods which were distributed by the government.^{1.} Probably because the government may have owned negroes.

The religious instruction of the negro was a perplexing problem. The Governors of the colonies were frequently instructed to seek diligently for the conversion of slaves,^{2.} but the instructions to pass laws for facilitating that purpose were not always carried out. New York gave as reason for refusal the prevalence^{3.} of the idea that conversion emancipated. We have seen that this idea was legally denied at a later period. The laxity of the people in the work of instilling the principles of religion into their slaves was sometimes a matter of regret to both the authorities^{4.} and the clergy.^{5.} Lord Berkeley thought that one reason for such laxity was the inefficiency of the clergy themselves.^{6.} When one considers the character of the religious dogmas of the time and the consequent troubles of Massachusetts even among the whites, he will not be surprised that the task of instructing the negro fresh from Guinea might not be a simple one.

The legal status of negroes was complicated by their servitude. For example, their marriages were sometimes performed by mutual consent,^{7.} and were sometimes to be transient, being limited to such times as the masters of the contracting parties should find convenient.^{8.}

1. Doc. rel. to Col. Hist. of N. Y., I, 169.

2. Ibid. III, 374, 547; V, 138.

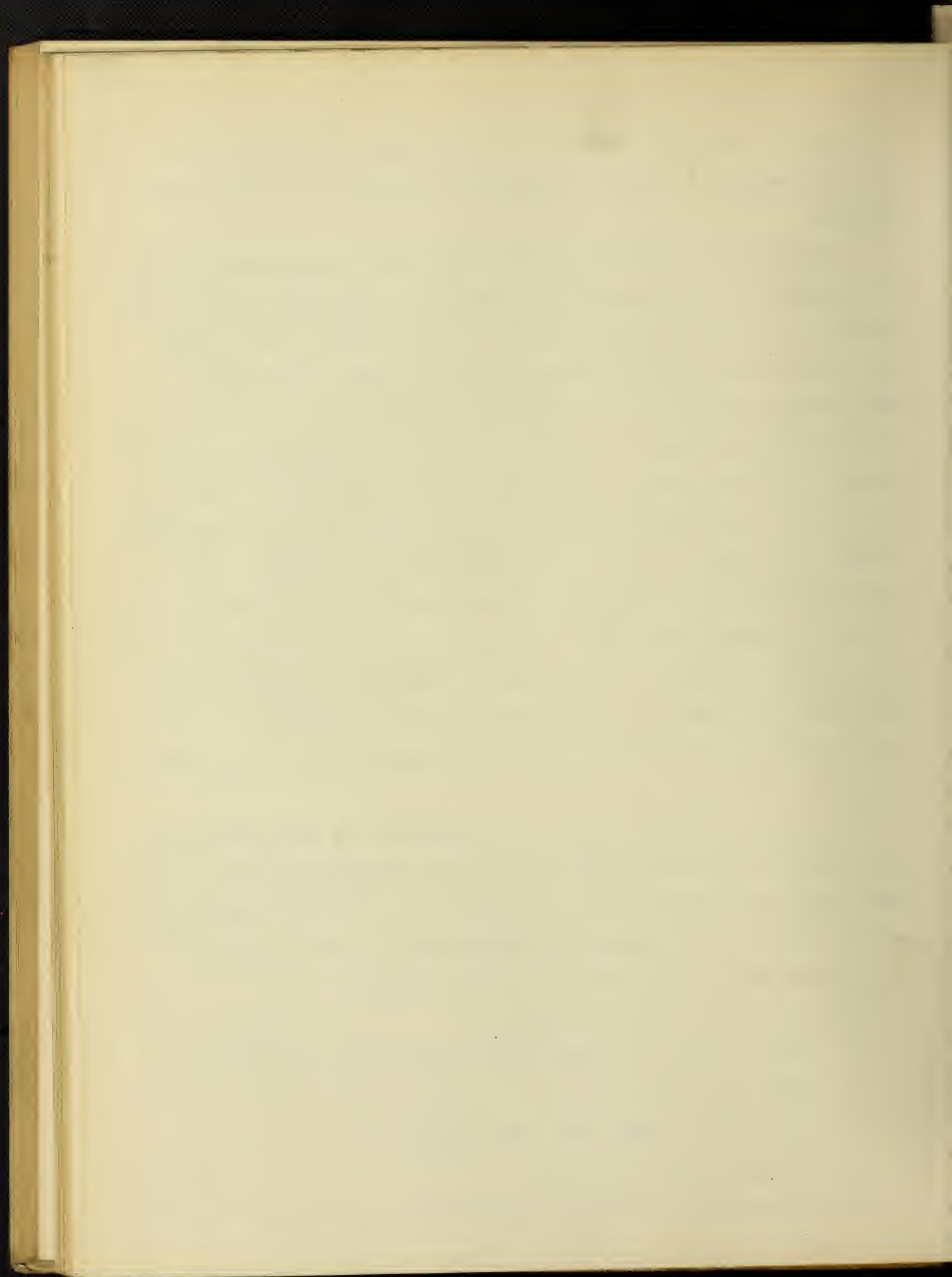
3. Ibid. IV, 510. 8. Hist. Mag. V, S.S. 136; III, S.S. 21.

4. Ibid. III, 415.

5. Coll. of N. Y. Hist. Soc. 1880, 348.

6. Berkeley's Works. III, 214.

7. Coll. of N. Y. Hist. Soc. 1880, 348.

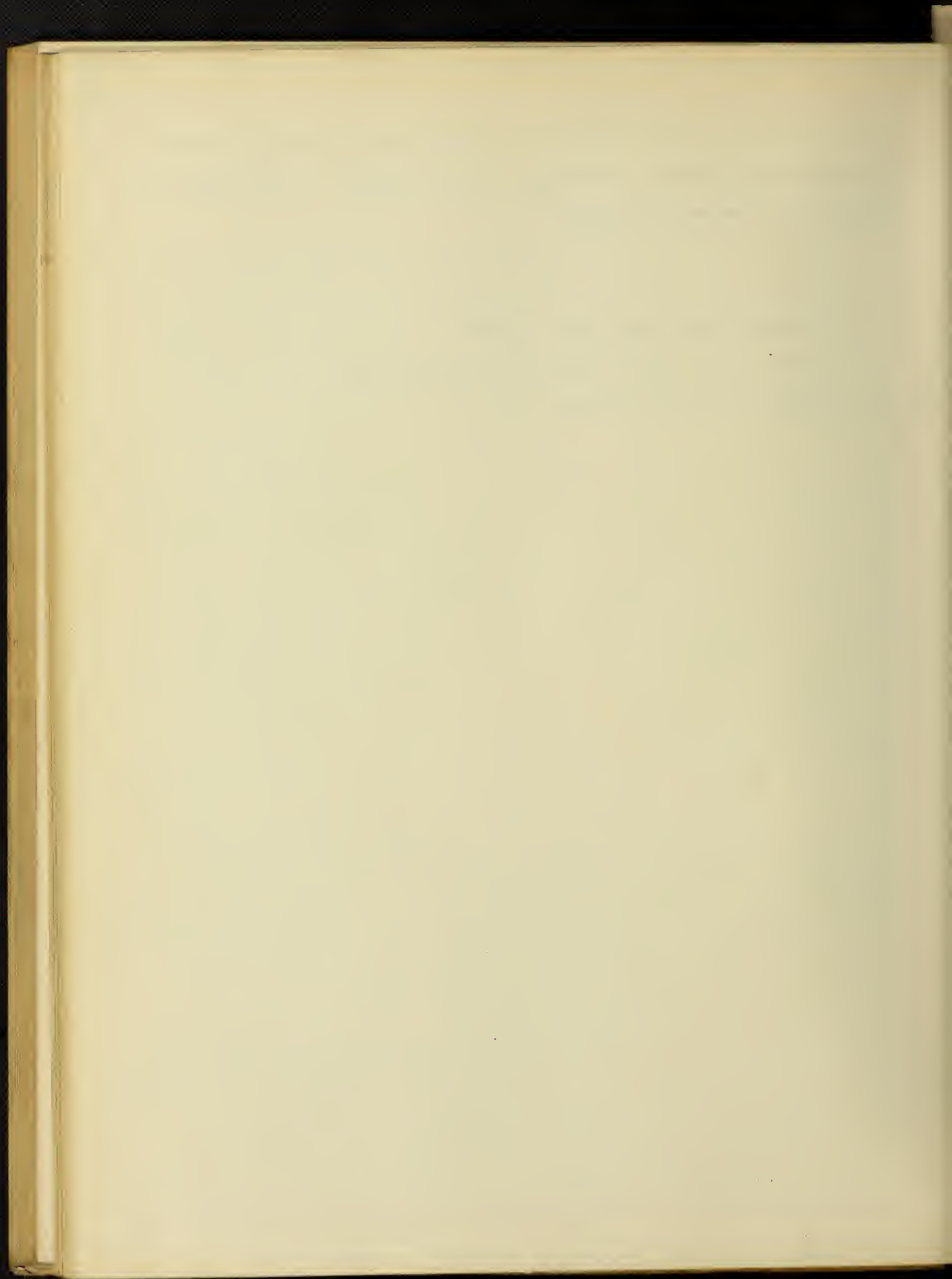


A negro might be tried and might be ordered sold by legal process.^{1.}
It appears that negroes sometimes received wages.^{2.} In New York con-
tracts with them were illegal.^{3.}

1. Rhode Island. Col. Rec. V, 72.

2. Doc. rel. to Col. Hist. of N. Y., IV, 875.

3. Hist. of Slav. in Mass., 57.



CHAPTER VII.

Concerning the Manumission of Negroes.

Casual references have been made to the manumission of negroes. It was natural that occasions should arise that would cause a master to desire to free a slave. The desire might result from gratitude for some unusual favor done by the slave, or from the baser motive of wishing to be rid of an undesirable slave. We are now to investigate the laws and regulations and other points of interest concerning the manumission of negro slaves.

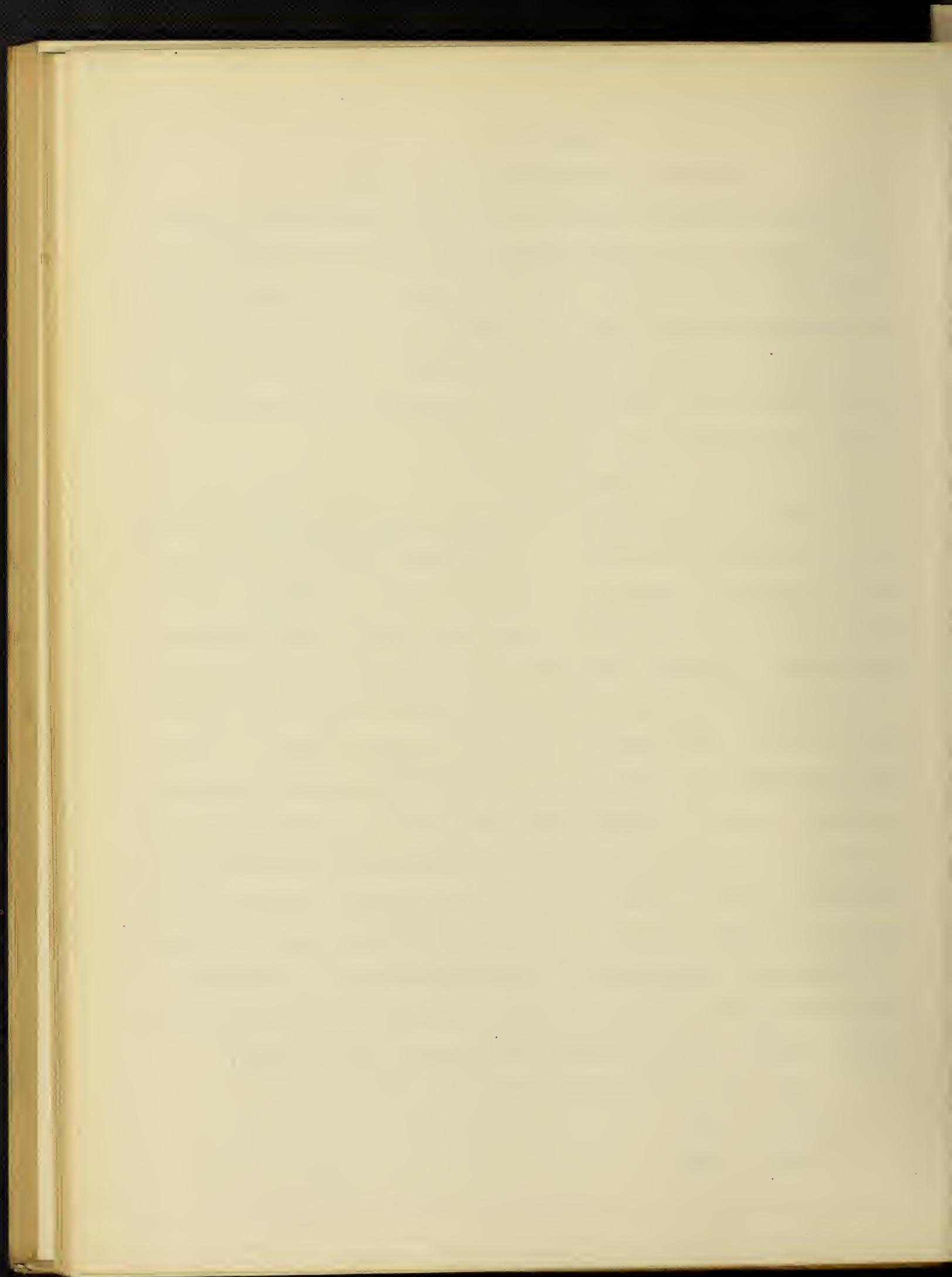
New York.

In 1649 New Netherland sent a remonstrance to the States General in which complaint was made that the Governor had allowed the children of manumitted negroes to be held as slaves, "contrary to all public law".¹ The West India company replied that the negroes had been freed on condition that their children might be put to service by the company.² New York had a law allowing slaves to be manumitted by will of their masters, at least as early as 1719. In that year Governor Hunter asked that a new law governing such manumission be passed, since the existing law stated that the executor must give security for the maintenance of the manumitted slave otherwise the manumission should be void, yet the law provided no penalty for refusal to give such security. Some executors had chosen to prevent the manumission contemplated by the deceased owner.³ The Lords of Trade directed that a new law should be passed. Little or no subsequent trouble concerning manumission seems to have arisen,

1. Doc. rel. to Col. Hist. of N. Y. I, 302.

2. Ibid. I, 343.

3. Ibid. V, 460.



Rhode Island.

In 1729 Rhode Island passed an act relative to freeing mulatto and negro slaves. The act was passed because of the trouble and inconvenience which had been occasioned by negro freedmen becoming paupers. It provided that any master freeing a slave should deposit £100 with the town treasurer as security against future pauperism of the freedman.¹ In 1755 an act in addition was passed.² All masters of vessels were in 1757 forbidden to carry slaves from the colony under penalty of £500 fine. Owners of slaves were permitted to search vessels for their slaves.³ In 1770 a further act regulating manumission was passed.⁴ Four years later the importation of slaves, except from Africa, was forbidden,⁵ and in 1784 this exception was removed.⁶ In 1788 an act was passed allowing negroes to enlist and providing that they should be free upon their passing muster before Colonel Greene.⁷ The next year an act prohibited the sale of negroes from the state against ^{their} will.⁸ In 1781 a remarkable request came before the Assembly of Rhode Island. Quaco, a negro man, who had fled from the British in Newport represented to the Assembly that since that time he had thought himself free, but that the administrator of his master's estate had threatened estate had to sell him and he requested the Assembly to manumit him.⁹ The Assembly took

1. R. I. Col. Rec. IV, 415.

2. Ibid. V, 472.

3. Ibid. VI, 64.

4. Ibid. VII, 24.

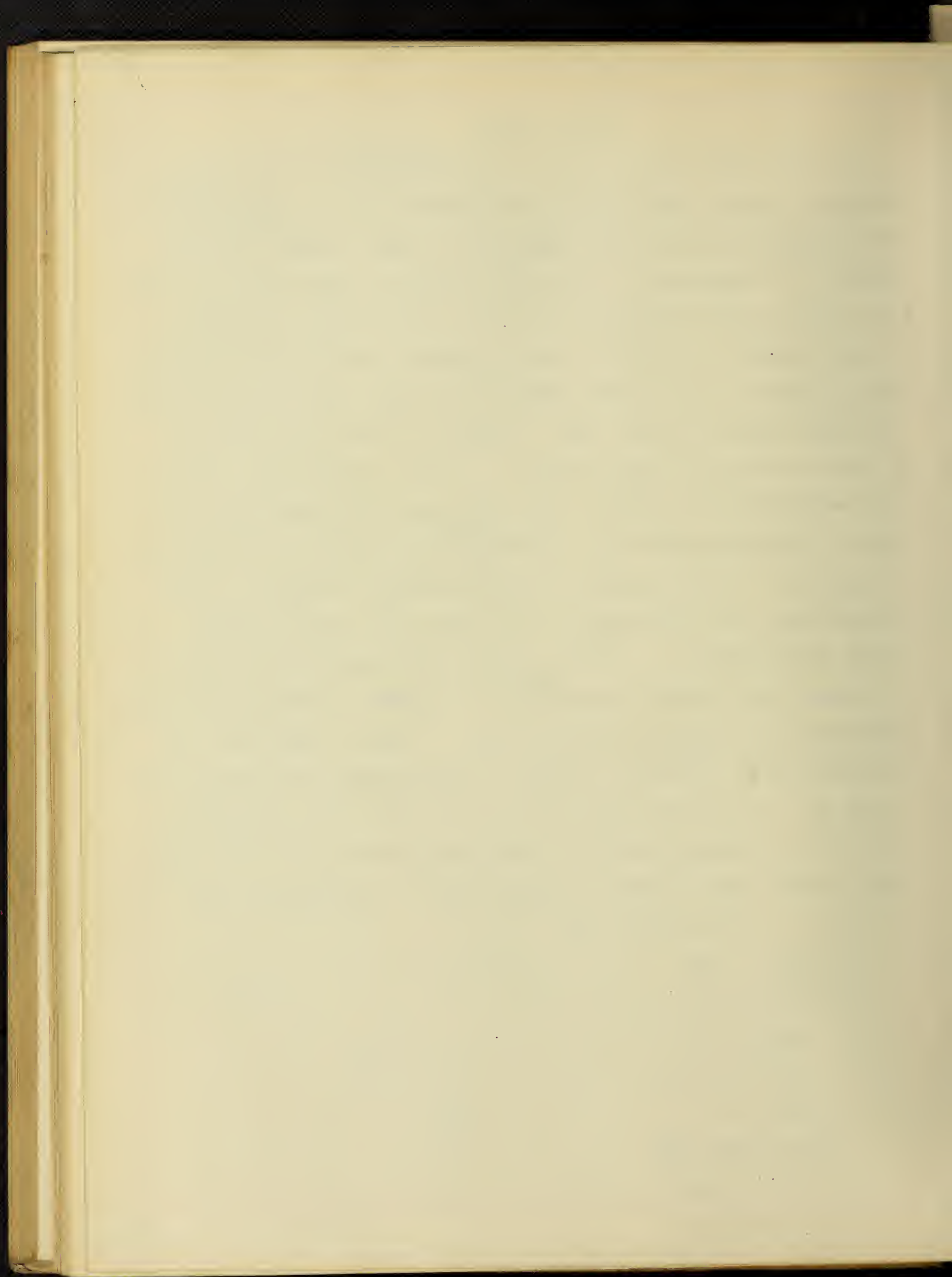
5. Ibid. VII, 241.

6. Ibid. X, 8.

7. Ibid. VIII, 358.

8. Ibid. VII, 618.

9. Ibid. XIX, 493.



the request under advisement, found that the negro had been of value to the colonial army, and the next year manumitted him.¹ In 1783 the ever active Quakers presented a petition to the assembly praying for the abolition of slavery. The Assembly appointed a committee to consider the petition and to report proper measures for the Assembly to adopt. The committee prepared an act authorizing the manumission of slaves. The act was referred to the third day of the next session and in that state it probably still rests.² "An act authorizing the manumission of negroes, mulattoes, and others, and for the gradual abolition of slavery" was passed in 1784. This act provided that no child born within the state after March 1, 1784 should be a slave. The children of slave mothers were to be maintained by the town in which the mother resided, but the children might be bound out as apprentices when they were between the ages of one and twenty-one if males, or one and eighteen if females. Their education was to be at the expense of the state. Negro paupers were to be supported as other paupers.³ The next year the part of the act of 1784 relating to education and pauperism was repealed and the expense of education was to be borne by the owner of the mother of the child.⁴ No slave manumitted after attaining the age of thirty years was to be maintained as a pauper.⁴ In 1785 the Assembly again manumitted a slave upon the slave's own petition.⁵ A petition from the Quakers was received and referred to the next session in 1787.⁶ In the same

1. R. I. Col. Rec. IX, 509.

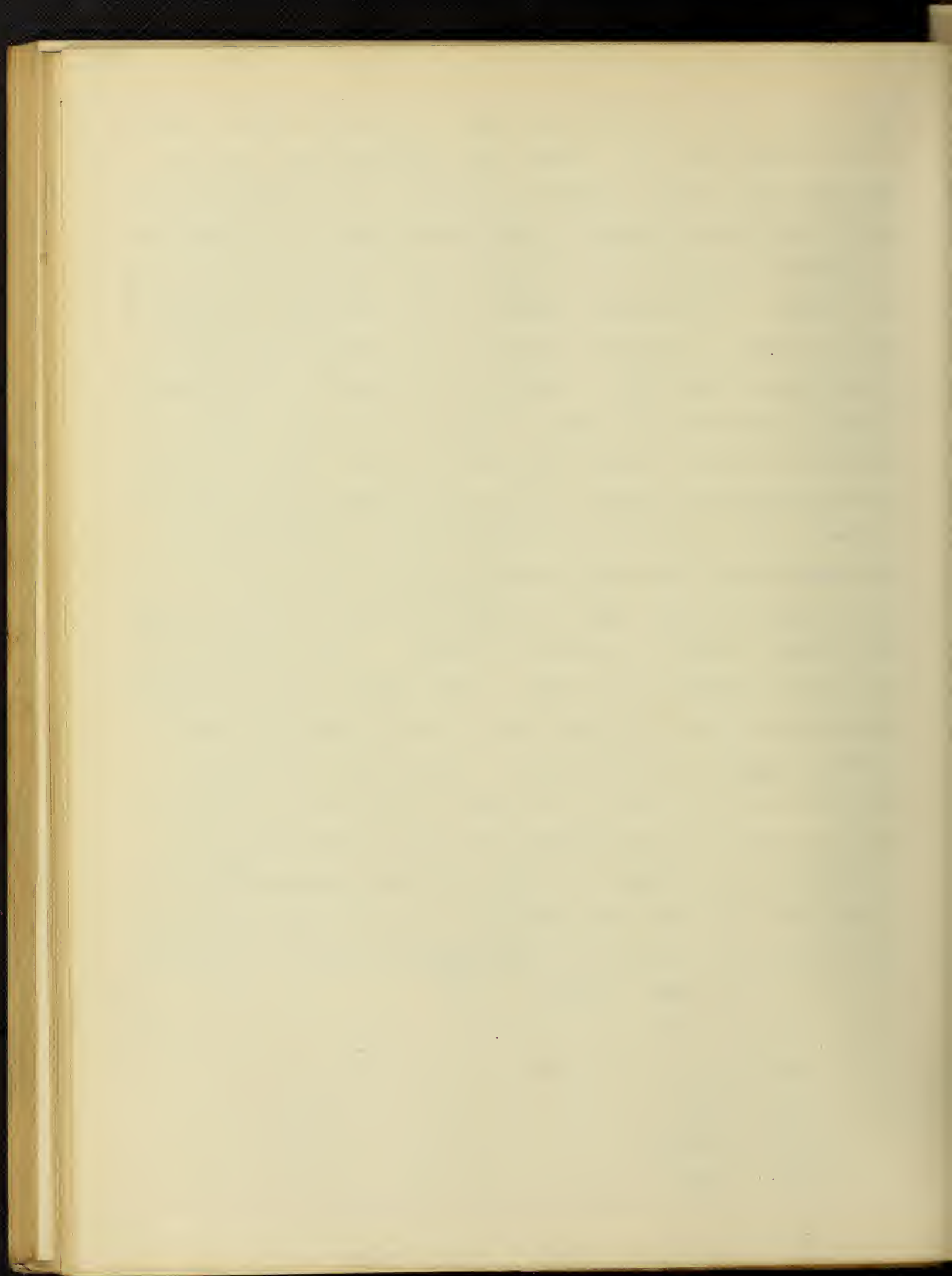
2. Ibid. IX, 735.

3. Ibid. X, 7.

4. Ibid. X, 132.

5. Ibid. X, 143.

6. Ibid. X, 251.



year the slave trade was abolished under a penalty of £100 for every slave imported and £1000 for every vessel engaged in the traffic.^{1.}

In June 1790 "The Providence Society for promoting the abolition of Slavery" was incorporated with 117 chartered~~d~~ members from Rhode Island, 68 from Massachusetts, and three from Connecticut. Their aim was to secure a strict enforcement of anti-slavery laws.^{2.}

Massachusetts.

On November 4, 1646 the General Court of Massachusetts "conceding themselves bound by the first opportunity to bear witness against the heinous and crying sin of man stealing" ordered that a negro who had been brought into the colony should be sent back to his native country of Guinea.^{3.} This, like the Rhode Island act of 1652, sounded well but was not a true index of the history to come. In 1701 the Representatives of the town of Boston were asked "to put a period to Negroes being slaves".^{4.} In 1703 a security of £50 was demanded before the manumission of a slave, trouble having arisen over previous manumissions.^{5.} About 1700 Judge Sewall wrote "a Sheet in defense of Liberty"^{6.} and it was probably he who wrote in 1706 "a Computation that the Importation of Negroes is not so profitable as that of White Servants".^{7.} In 1766 John Adams records a suit by a mulatto woman for her liberty. He says that it is the first action of the kind that he ever knew, although he had heard that there had been

3. Rec. of Mass. II, 168.

1. R. I. Col. Rec. X, 262.

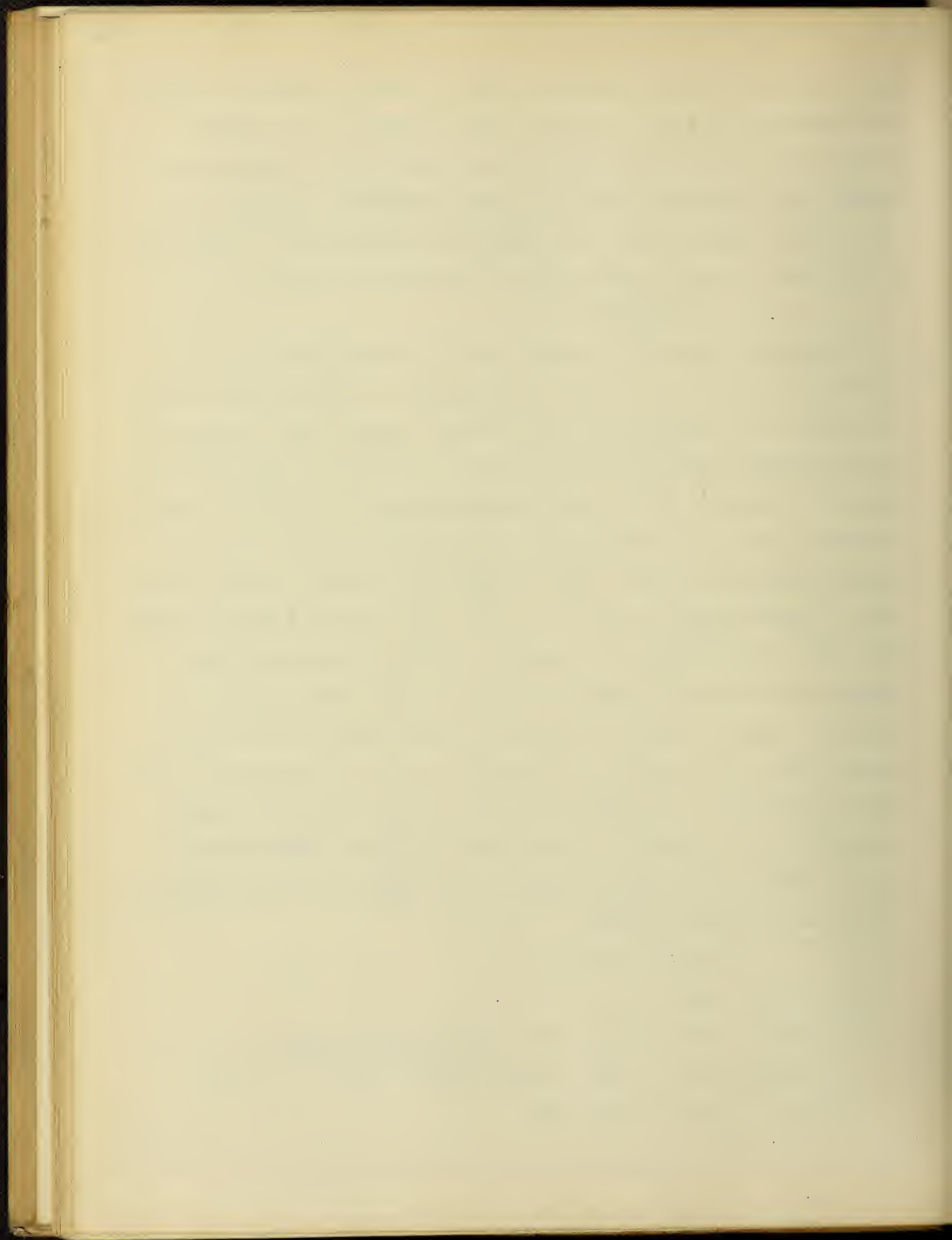
2. Ibid. X, 382.

4. Hist. of Slav. in Mass. 52 (Drake's Boston, 525;
M. H. S. Coll. II, VIII, 184).

5. Acts and Res. of Prov. of Mass. Bay, I, 519.

6. Hist. of Slav. in Mass. 89.

7. Ibid. 106.



many such.^{1.} Chief Justice Parsons was inclined to believe that the masters were not active in the defense of these cases because a discontented slave was of little value and when he was freed the former owner did not have to support him.^{2.} In 1773 a colored man gained a suit for eighteen pounds damages against his reputed master for having detained^a him in illegal slavery.^{3.} The Tories ridiculed the colonists for fighting for^a freedom which they did not grant ^{of} negroes.^{4.} The General Council in 1776 forbade the selling of two negroes captured on the high seas on the ground that such selling was illegal.^{5.}

The freeing of slaves by a judicial process was naturally vexatious to the owners. One of these owners was Nathaniel Jennison. From a petition which he presented to the House of Representatives on June 18, 1782 it appears that he had been deprived of no fewer than ten "Negro Servants". The Supreme Judicial Courts had given the negroes their liberty, because the Bill of Rights prefixed to the Massachusetts constitution declared "that all man are born free and equal". The petitioner believed that this clause had been perverted from its original meaning.^{6.}

In 1785 the legislature appointed a committee to decide what measures should be taken to abolish the slave trade,^{7.} and on March 26, 1788 an act abolishing the slave trade was passed.^{8.} No citizen was to import, transport, buy, or sell any negroes on penalty of £50

1. Life and Works of John Adams, II, 200.

Hist. of Slav. in Mass. 112.

2. Ibid. 121.

3. Ibid. 118.

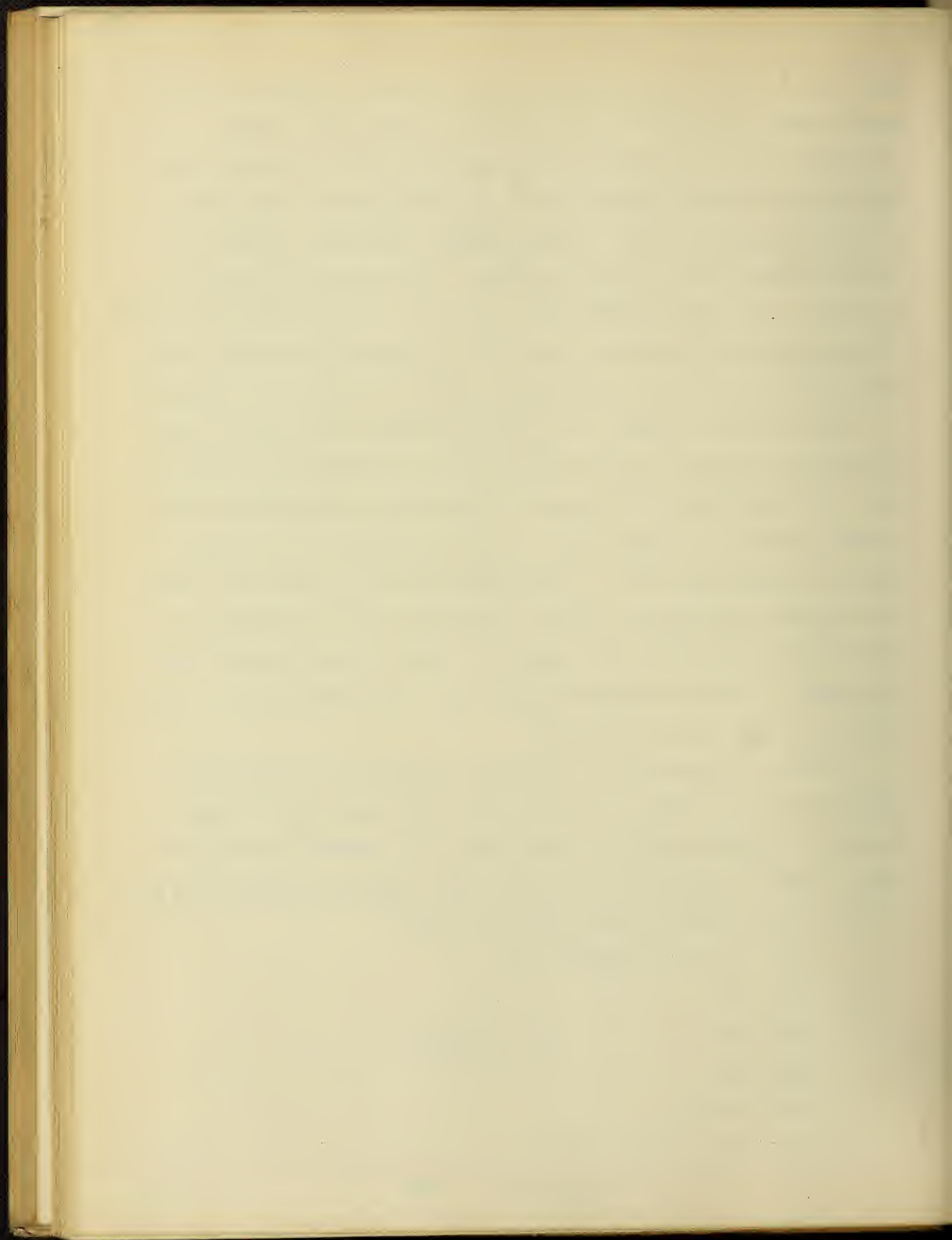
8. Ibid. 226.

4. Ibid. 145.

5. Ibid 149, 153.

6. Ibid. 217 (Journal, III, 99).

7. Ibid. 224 (H. of R. Journals, V, 222).



for every person " so misused, and two hundred pounds for every vessel ~~*****~~ employed in the traffic".^{1.}

Some of the towns manumitted the slaves within their jurisdiction and relieved their owners of future responsibility for their maintenance.^{2.}

In 1796 "it was solemnly and unanimously decided by the Court that the issue of slaves , although born before the adoption of the Constitution, were born free".^{3.}

Connecticut.

In May, 1711 Connecticut passed an act providing that manumitted negroes who became paupers should be supported by their former owners.^{4.}

New Hampshire.

A pathetic petition was prepared at Portsmouth on November 12, 1779 and later presented to the Council and House of Representatives of New Hampshire. The petition was from nineteen negro slaves who prayed for their freedom. The language of the request is in such a strain as to make one wonder whether it were not actually composed by the slaves. The high hopes which they may have entertained of its success were doomed to disappointment for the House refused to act since they thought that the time was not ripe for a determination of the question.^{5.}

Vermont.

At the October session of 1786 the legislature passed an act to

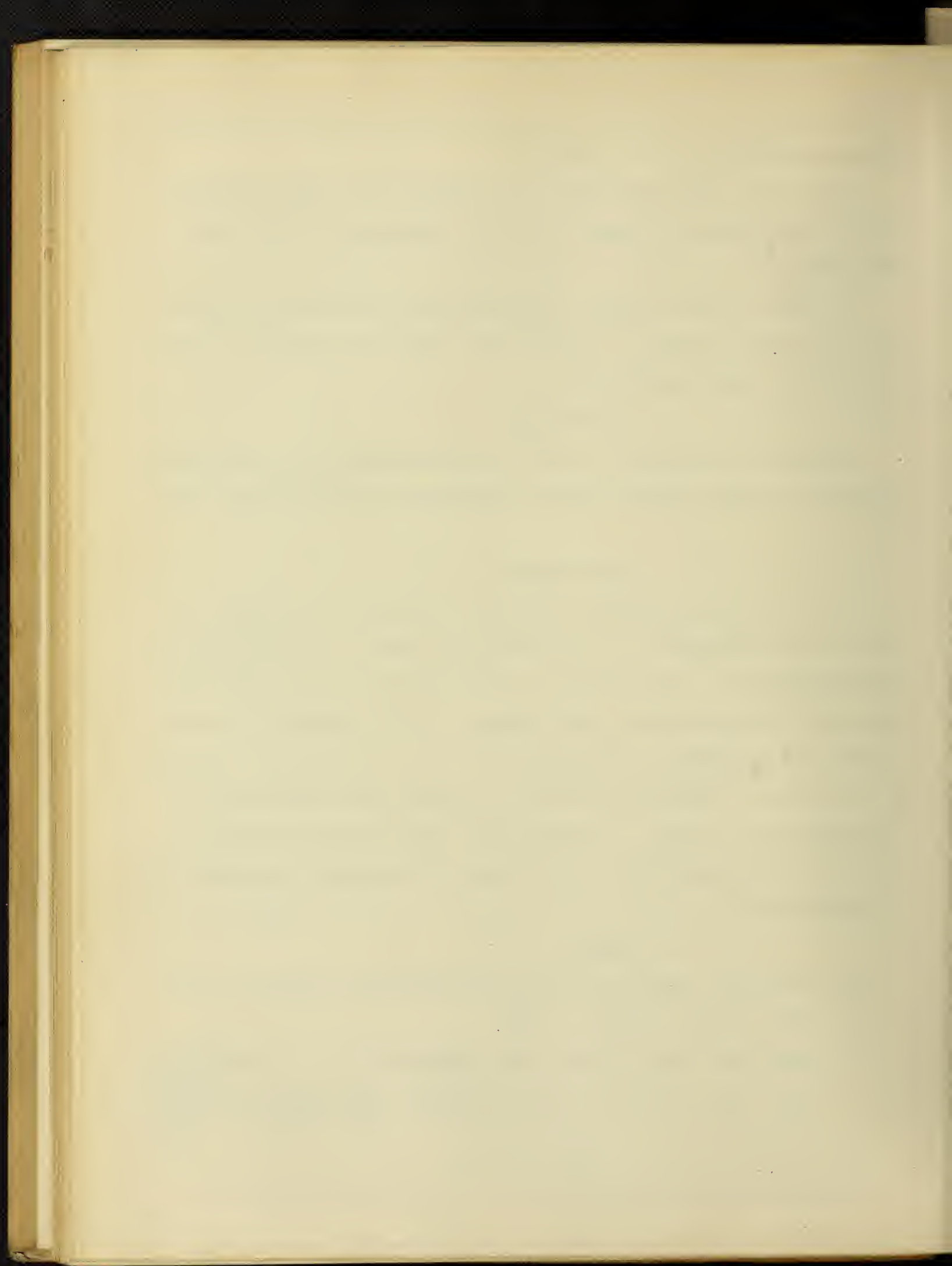
1. Hist. of Slav. in Mass., 226.

2. Ibid. 125 (Letter of Mr. Thos. Pemberton to Dr. Jeremy Belknap)

3. Ibid. (Appendix) 9, (4 Mass. Reports, 128, note, Littleton vs. Tuttle).

4. Col. Rec. of Conn. 1706-1716, 233.

5. Mag. Amer. Hist. XXI, 63.

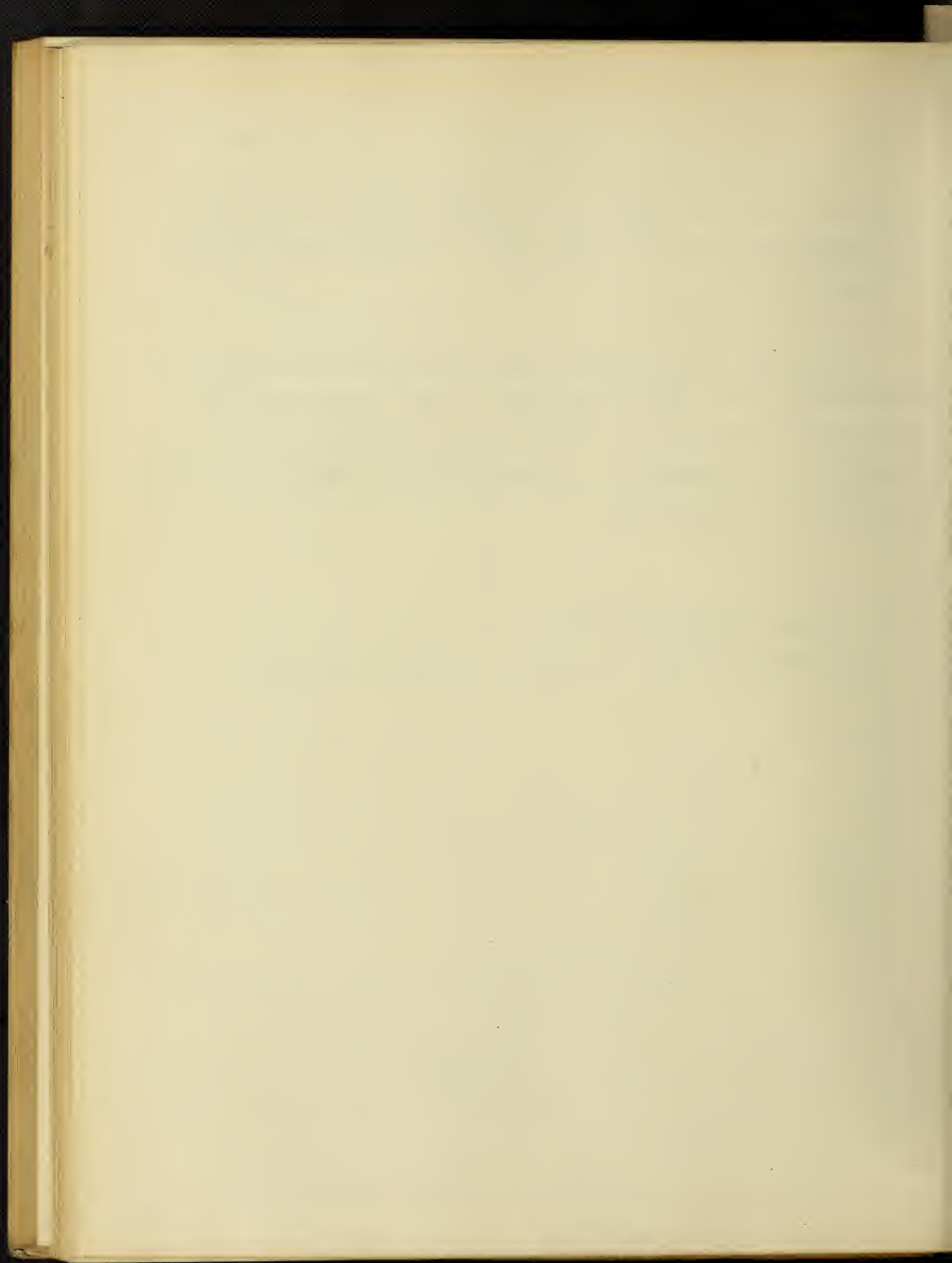


prevent the sale of negroes out of the state. The term negroes was probably used advisedly rather than the term slave for the act declares that no slavery existed in the state, but that former owners of freedmen had attempted to sell them. A penalty of £100 for each offense was laid.¹

On February 5, 1783 Lafayette wrote from Cadiz to Washington and suggested that they unite in purchasing a small estate where they might try the experiment of freeing negroes and keeping them as tenants. If the scheme should succeed Lafayette would try to introduce it into the West Indies.²

1. Vermont State Papers, 505.

2. Corresp. of Revol., Letters to Washington, III, 547.



CHAPTER VIII.

The Negro as a Soldier.

In several of the colonies the negroes performed more or less service in the capacity of soldiers. This phase of the use of negroes is perhaps of sufficient interest to warrant a separate treatment.

New York.

The Commonalty of New Netherland in 1641 recommended to Director Kieft the employment of negroes armed with small ax and half-pike as a defense against the Indians.¹ The practice of such use may have been continued for on June 15, 1664 we find among the itemized expenditures for powder two and one half pounds for powder issued to four gangs of negroes and the overseer.² Governor Bellomont (1699) suggested to the Lords of Trade the plan of importing negroes from Africa for military recruits. He asserted that the negroes could live on 9d per day, whereas the whites required 12d.³

After the battle of Lake George a gunner wrote to his cousin: "Our Blacks behaved better than the Whites".⁴ In 1756 a sortie from Fort Williams took place upon the strength of news brought of the English by a negro who had escaped from the French.⁵ Negro troops were sometimes considered sufficiently reliable to be used as a constant fatigue.⁶ The bravery of negroes has often been shown, but they naturally require leadership.

1. Doc. rel to Col. Hist. of N. Y. I, 415.

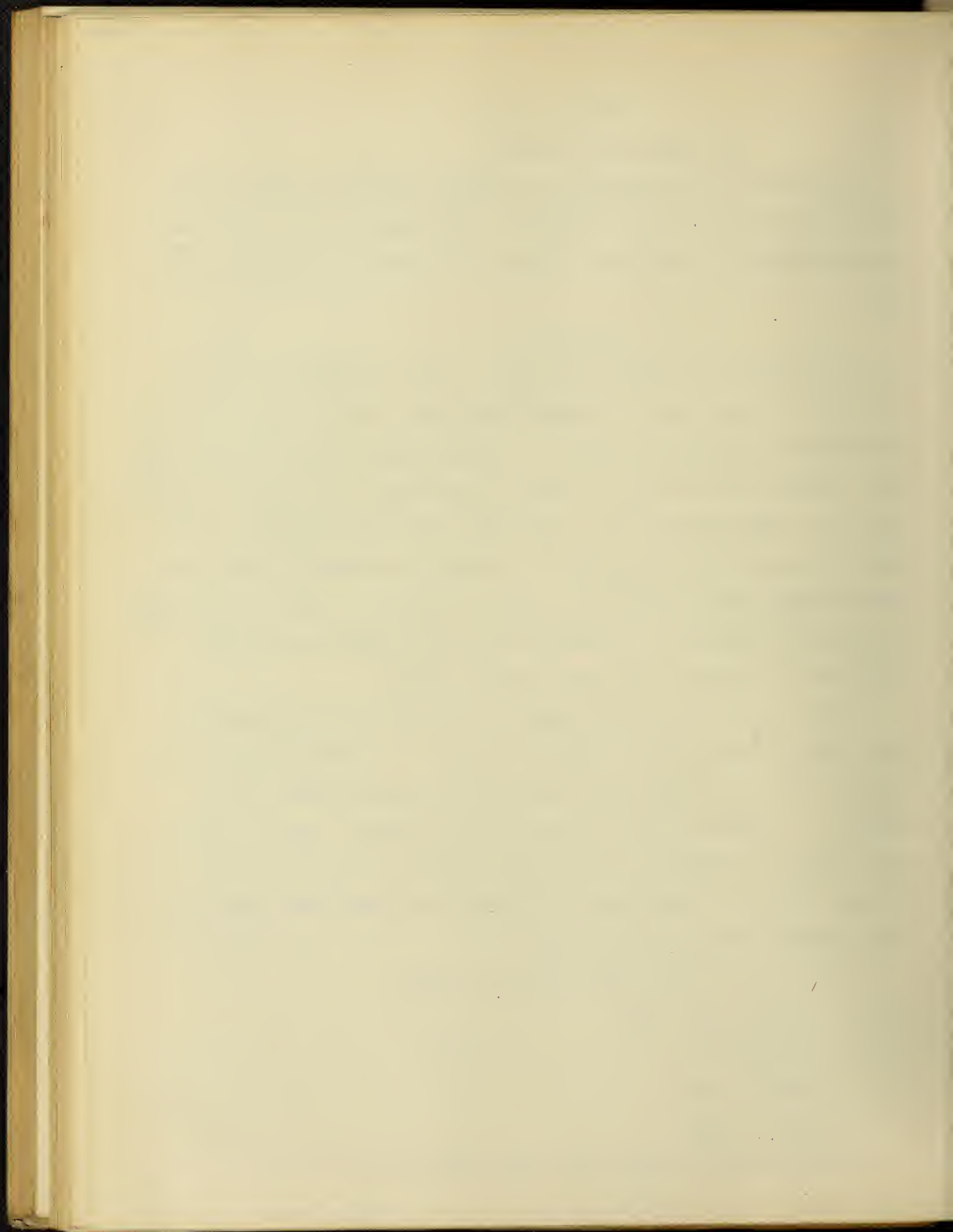
2. Ibid. II, 465, 469.

3. Ibid. IV, 506.

4. Ibid. VI, 1005.

5. Ibid. X, 403.

6. Coll. of N. Y. Hist. Soc. 1880, 109.



The catalogues of negro and mulatto soldiers are interesting on account of the variety of places of nativity and of trades. We find blacks from Guinea, Portugal, New York, New Jersey, Jamaica, West Indies, Boston, Curriso (?), and Albany.¹ Among the trades represented by the negroes are laborers, weavers, tanners, coopers, mariners, carpenters, tailors, millers, farmers, wool-combers, blacksmiths, blockmakers.¹

In 1779 Sir Henry Clinton issued a proclamation tending to encourage the desertion of negroes to the British forces.² In 1781 an act was passed in New York in accordance with which negro slaves who enlisted were to be freed and their masters were to be rewarded by a grant of public land.³

Rhode Island.

Early in 1778 General Varnum wrote to Washington to recommend the enlisting of negroes in Rhode Island.⁴ Washington sent Varnum's letter to the Governor of Rhode Island.⁵ In accordance with this suggestion an act permitting the enlistment of negroes was passed in February 1778.⁶ The preamble of the act gives what sounds like an apology for its passage. After citing the example of wise and brave nations which had liberated their slaves and enlisted them as soldiers, and after declaring that the necessity for recruits is urgent the act provides that any able bodied negro, mulatto, or Indian man slave may enlist to serve during the Revolution. Each

1. Report of the State Historian (N. Y.) Col. Series, II, 540-664, 670, 676, 714.

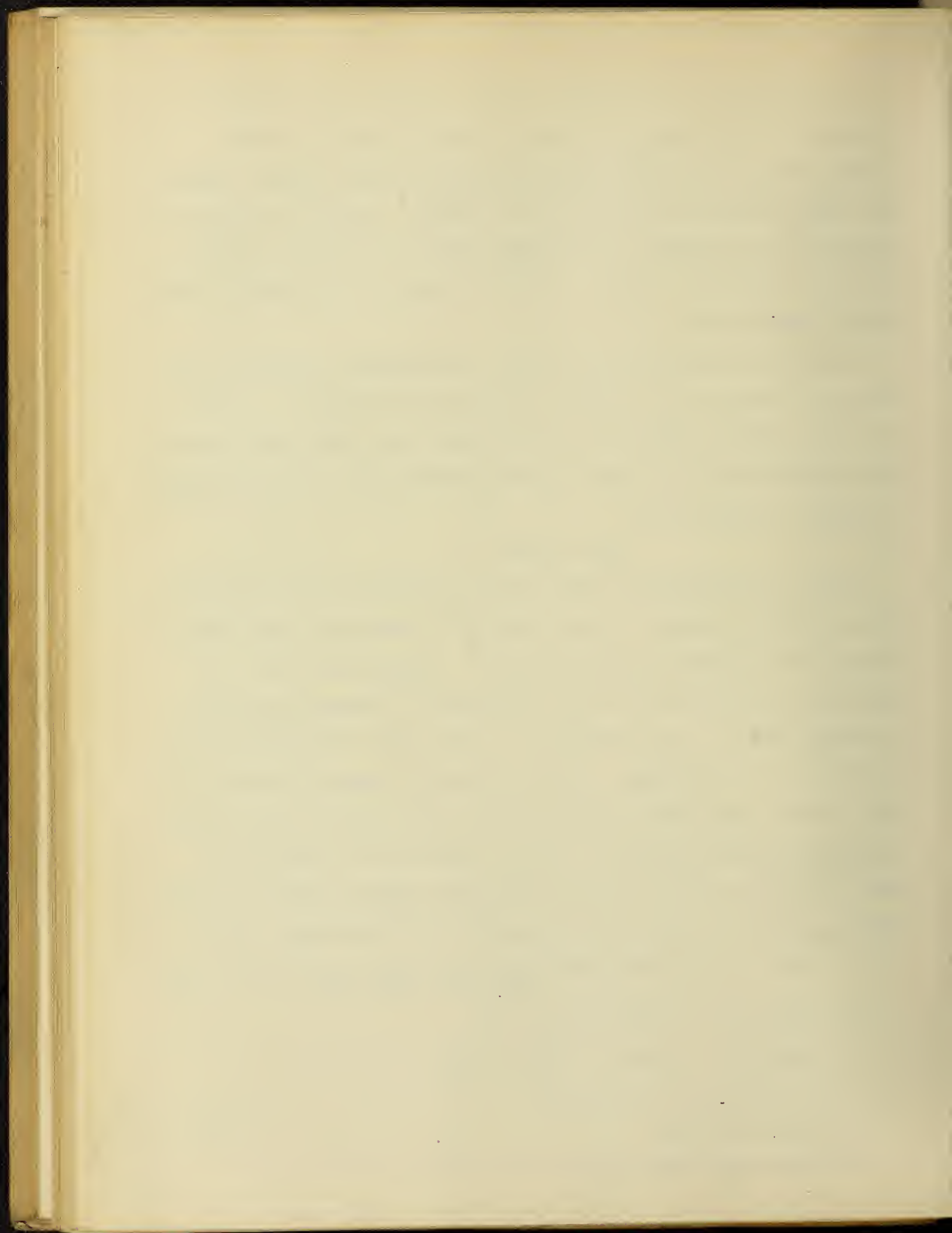
2. Hist. Mag. I, Third Series, 56.

3. Laws of N. Y. Sessions 1-12, I, 64.

4. R. I. Col. Rec. VIII, 641.

5. Ibid. VIII, 640.

6. Ibid. VIII, 348.



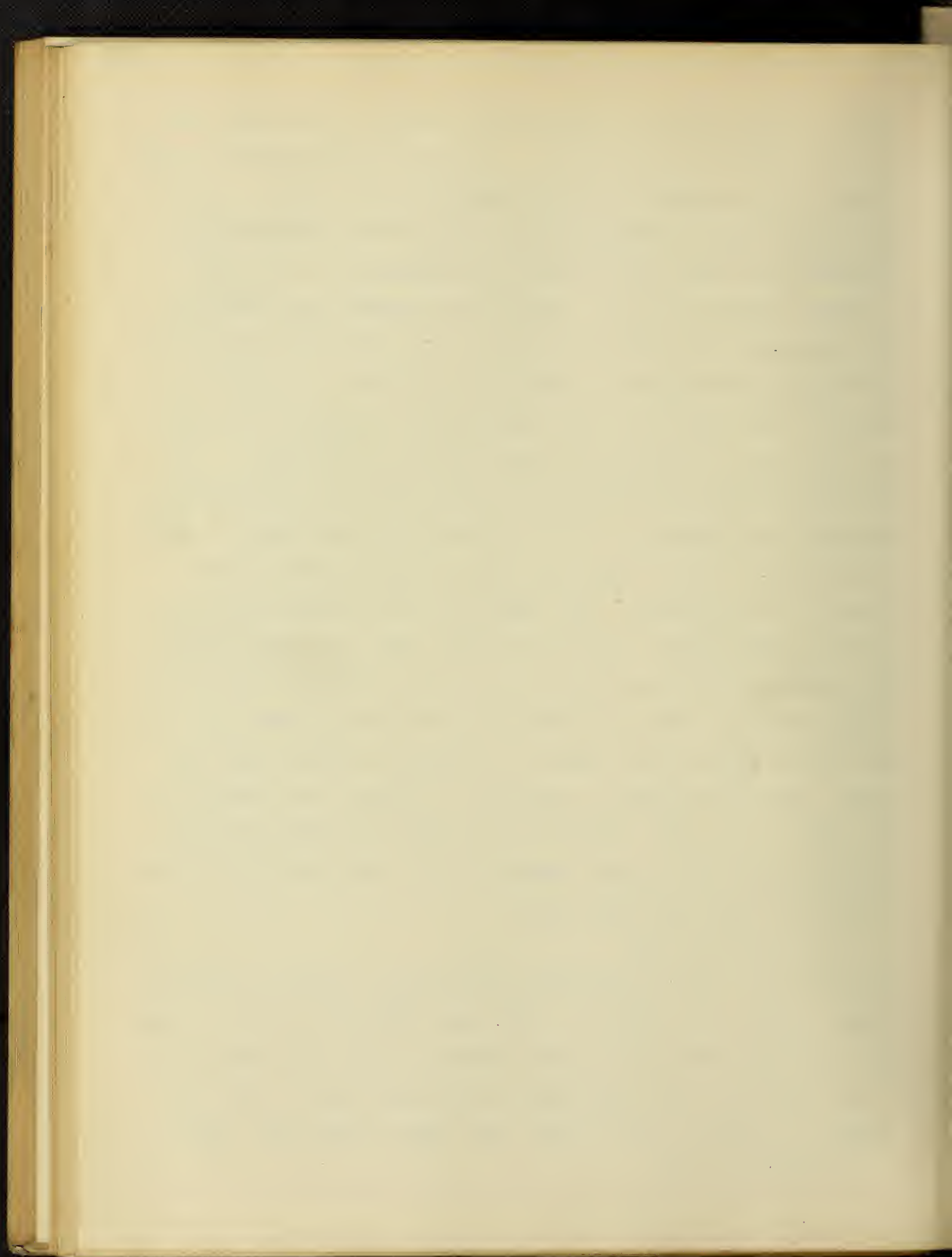
slave so enlisting was to receive the same pay as the whites, and to be free after his enlistment. In case they subsequently became paupers these freedmen were to be supported by the state. A committee was appointed to appraise slaves who presented themselves for enlistment and their owners were to be compensated by the state. A formal protest to the act, signed by six persons, was presented. The protestation was made on the grounds that there were but few negroes in the state, that the enemy might retaliate by enlisting negroes in their ranks, that the expedient was an expensive one, and that difficulty in appraising negroes would be experienced. In the May following the passage of the act, another act limiting the time for the enlisting of slaves to June 10 next was passed.¹ Some discrimination between white and black non-commissioned officers seems to have been made.² The payment for the enlisted slaves was a matter which engaged the legislature at times for several years.³ The payment was complicated by the constant fluctuation in the value of the currency. When the males of the state were formed into classes in July 1780 for the purpose of demanding a recruit from each class, deserters, Indians, mulattoes, and negroes were excepted in the enumeration.⁴ The enlisted negroes were not always satisfied for in October 1781 a negro deserter who had gone back to his former

1. R. I. Col. Rec. VIII, 399.

2. Ibid. VIII, 467.

3. Ibid. VIII, 463 (Oct. 26 1778); IX, 495 (Dec. 1781); IX, 514 (Jan. 1782); IX, 566 (June 1782); IX, 582 (Aug. 1782); IX, 601 (Oct. 1782); IX, 616 (Nov. 1782); IX, 675 (Feb. 1783); IX, 705 (May 1783); IX, 708 (June 1783); IX, 722 (June 1783); X, 52 (June 1784); X, 83 (Feb. 1785); X, 82 (Feb. 1785); X, 333 (May 1789); X, 360 (Oct. 1789);.

4. Ibid. IX, 126.



master was remanded to his regiment, or at least steps were taken toward that end.¹ In 1784 a committee of three was appointed to enquire into the circumstances of negroes who had enlisted and who had been unable to provide for themselves, and to report what allowance should be given them and by whom it should be given.² The next year a committee was appointed to draft an act providing for the support of paupers who had been freed by enlistment.³ In the same month (Feb. 1785) such an act was passed. It provided that such paupers should be cared for by the respective town councils, and that the councils should present their bills to the state.⁴

Massachusetts.

In 1652 Massachusetts decreed that negroes should "attend trainings as well as the English", but the practice was discontinued four years later.⁵

During the war slaves were regarded as proper subjects for booty since they were legally personal property.⁶ The British enlisted negroes,⁸ and Governor Dunmore of Virginia attempting to overawe the the colonists by proclaiming freedom to all slaves who would enlist under his banner.⁹

1. R. I. Col. Rec. IX. 481.

2. Ibid. X, 44.

3. Ibid. X, 83.

4. Ibid. X, 85.

5. Rec. of Mass. III, 268.

6. Hist of Slav. in Mass, 158.

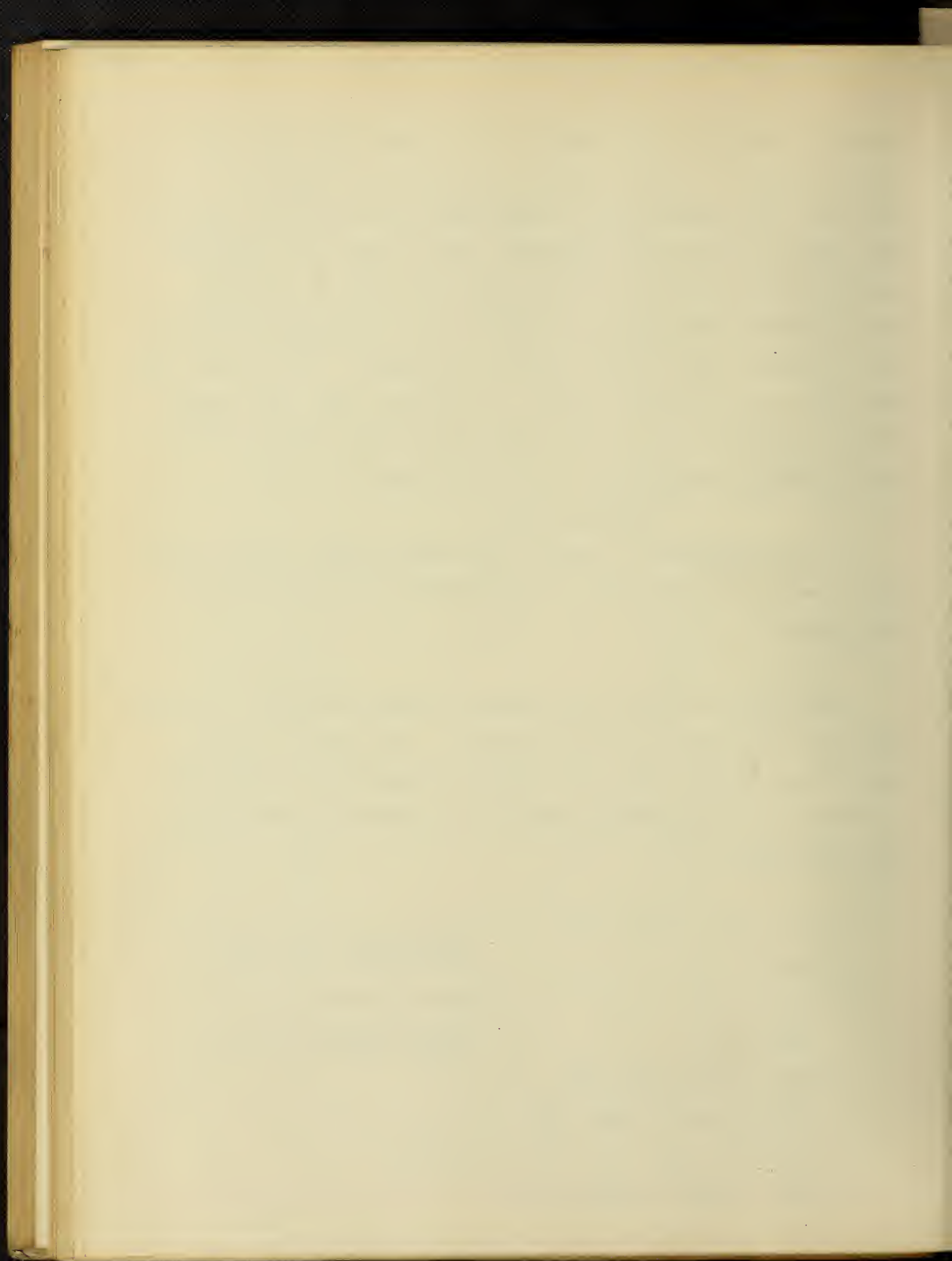
Doc. rel to Col. Hist. of N. Y. X, 172.

7. Hist. of Slav. in Mass. 160.

8. Corresp. of Rev., Letters to Washington, III, 246.

9. Diary of Amer. Rev. I, 160.

Annual Register, 1776, 19.



CHAPTER IX.

Services Performed by Negroes.

New York.

The Director of New Netherland, in 1647, "had the outside of the fort faced with flat sods by the Company's Negroes".^{1.} In 1664 negroes were sent from New York to Maryland for beef, pork, corn, and salt.^{2.} A few years later wheat, peas, and beaver were secured by means of negroes, but this time the blacks served as a commodity rather than as messengers.^{3.} Director Stuyvesant attempted to secure a loan to be repaid in negroes.^{4.} He had the negroes thresh for him when a famine seemed imminent.^{5.} In the investigation of Andros's government of New York the fact that he had employed his own negroes in needlessly covering and recovering public buildings came to light.^{6.} His purpose seems to have been to secure their wages for himself from the public treasury. Slave ships were undoubtedly a favorite object of capture during war.^{7.} Slaves furnished a bone of contention between their owners and the government, because in case of the loss of a slave while the slave was engaged in the public service the owner wished to be reimbursed from the public treasury.^{8.} They were naturally desirable articles for seizure.^{9.} A list of the occupations represented by the negro soldiers was given in the preceding chapter - The Negro as a Soldier.

1. Doc. rel. to Col. Hist. of N. Y. I, 499.

2. Ibid. III, 73.

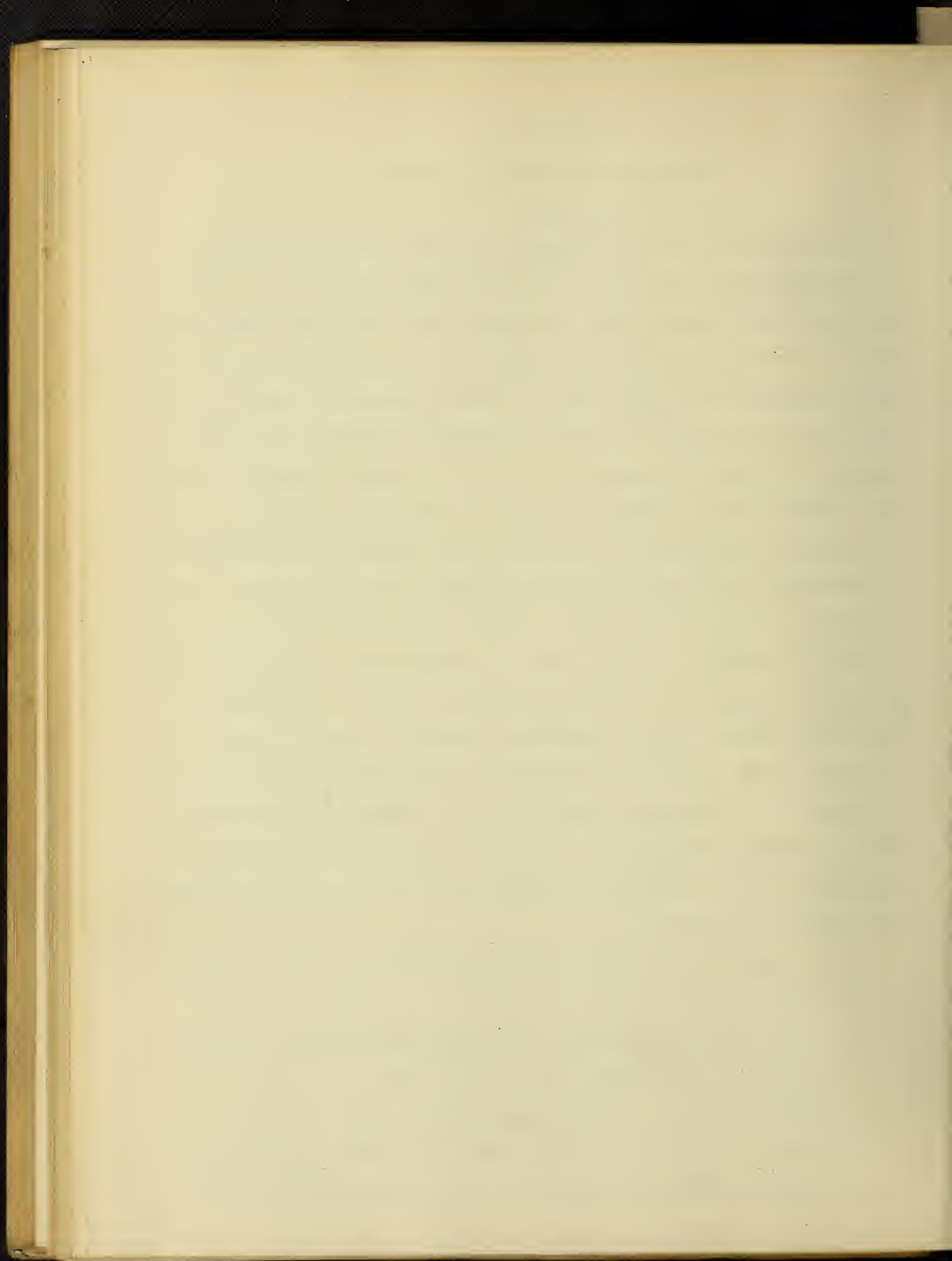
3. Report of State Historian (New York) Col. Series, II, 163.

4. Doc. rel to Col. Hist. of N. Y., II, 371.

5. Ibid. II, 474. 8. Hist. Mag. II, S.S. 44.

6. Ibid. III, 307. 9. Diary of Rev. II, 176.

7. Ibid. X, 529.



Rhode Island.

The burning of the ~~gaspee~~ was followed by an investigation in which the principal witnesses were negroes. The testimony given was not consistent and at least one negro confessed that he had implicated himself and others, because the British had threatened to torture him.¹ In 1777 negroes were counted in Rhode Island among those able to bear arms.² A negro ferryman helped to remove the stock and forage from Rhode Island in 1775.³

Massachusetts.

In Massachusetts there was a town clerk who was more black than white. The case was in all probability unusual, although Dr. Belknap declares that blacks were not disqualified by the Constitution from holding office.⁴

Connecticut.

Mr. Godfrey Malbone who had been educated at Oxford married a lady from the South, and they settled in Connecticut. The lady brought as part of her patrimony 50 or 60 slaves.⁵ From these slaves, who scattered after the abolition of slavery in Connecticut, many of the colored people of that state are said to be descended.

New Hampshire.

On Friday October 16, 1726 the House of Representatives of New Hampshire "Allowed Joseph Jackson £4 : 6 for his Negroes Service in

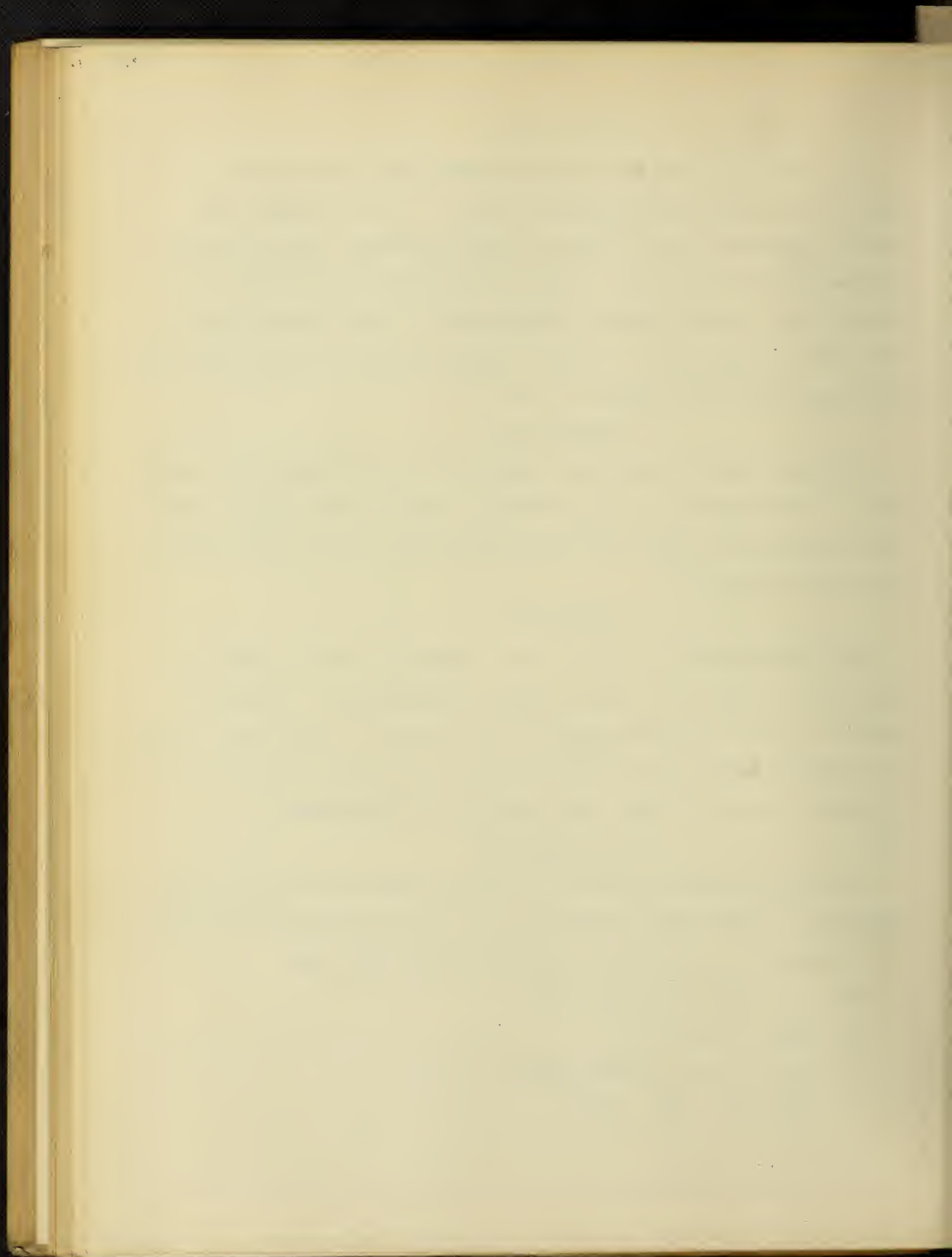
1. Doc. rel. to Col. Hist. of N. Y. VIII, 351, 390.

2. R. I. Col. Rec. VIII, 189.

3. Ibid. IX, 727.

4. Hist. of Slav. in Mass. 199.

5. Conn. Hist. Coll., 416.



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y^e yeare 1713 at Fort William and Mary".^{1.}

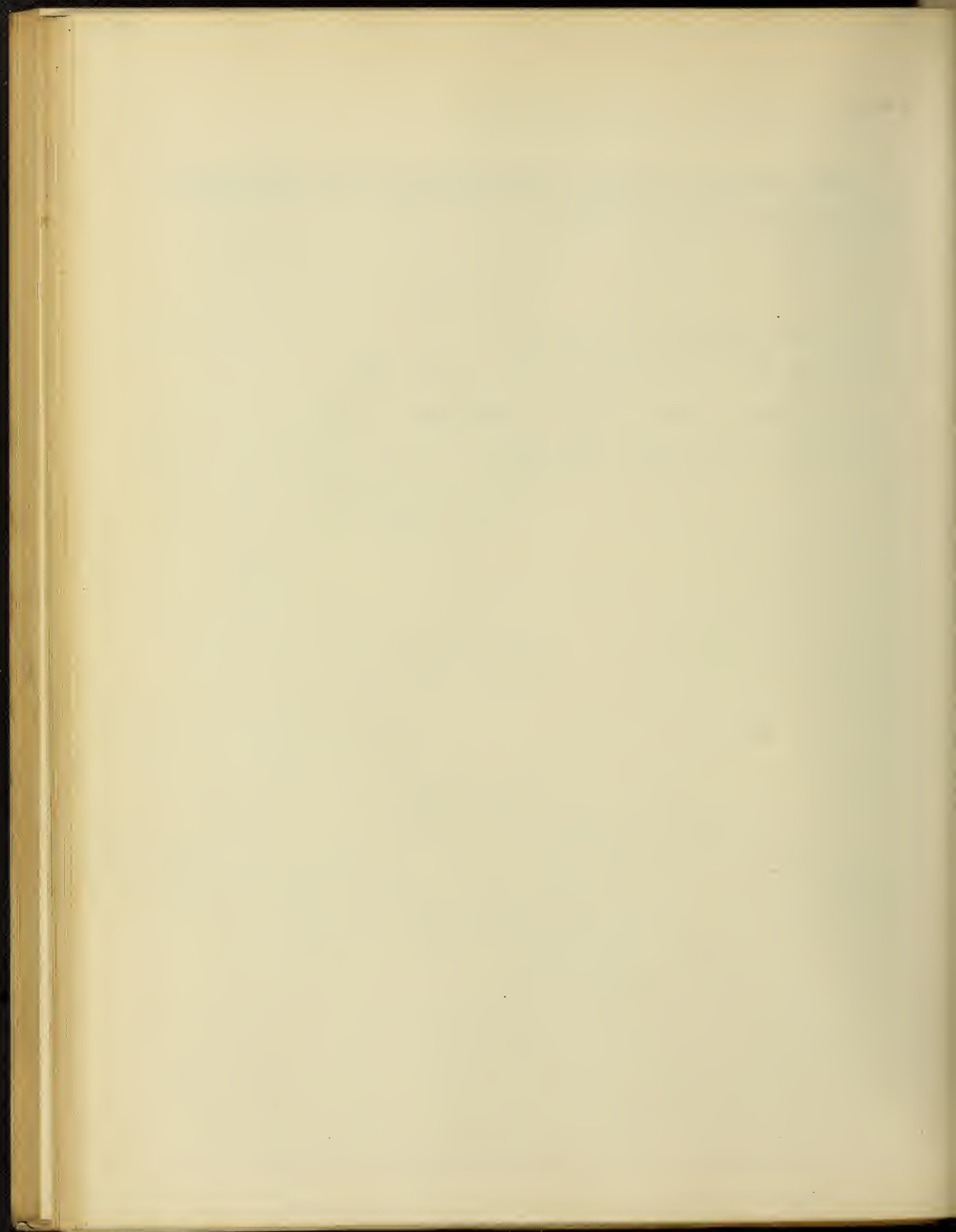
Royal governors sometimes allowed negroes to vote, encouraged^{2.} them to desert^{3.} to the British, and stole them.^{4.}

1. Prov. Papers, N. H. IV, 442.

2. Doc. rel. to Col. Hist. of N. Y., IV, 1048.

3. Corresp. of Rev. Letters to Washington, I, 167.

4. Diary of the Amer. Rev., 201.



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APPENDIX TO CHAPTER II.

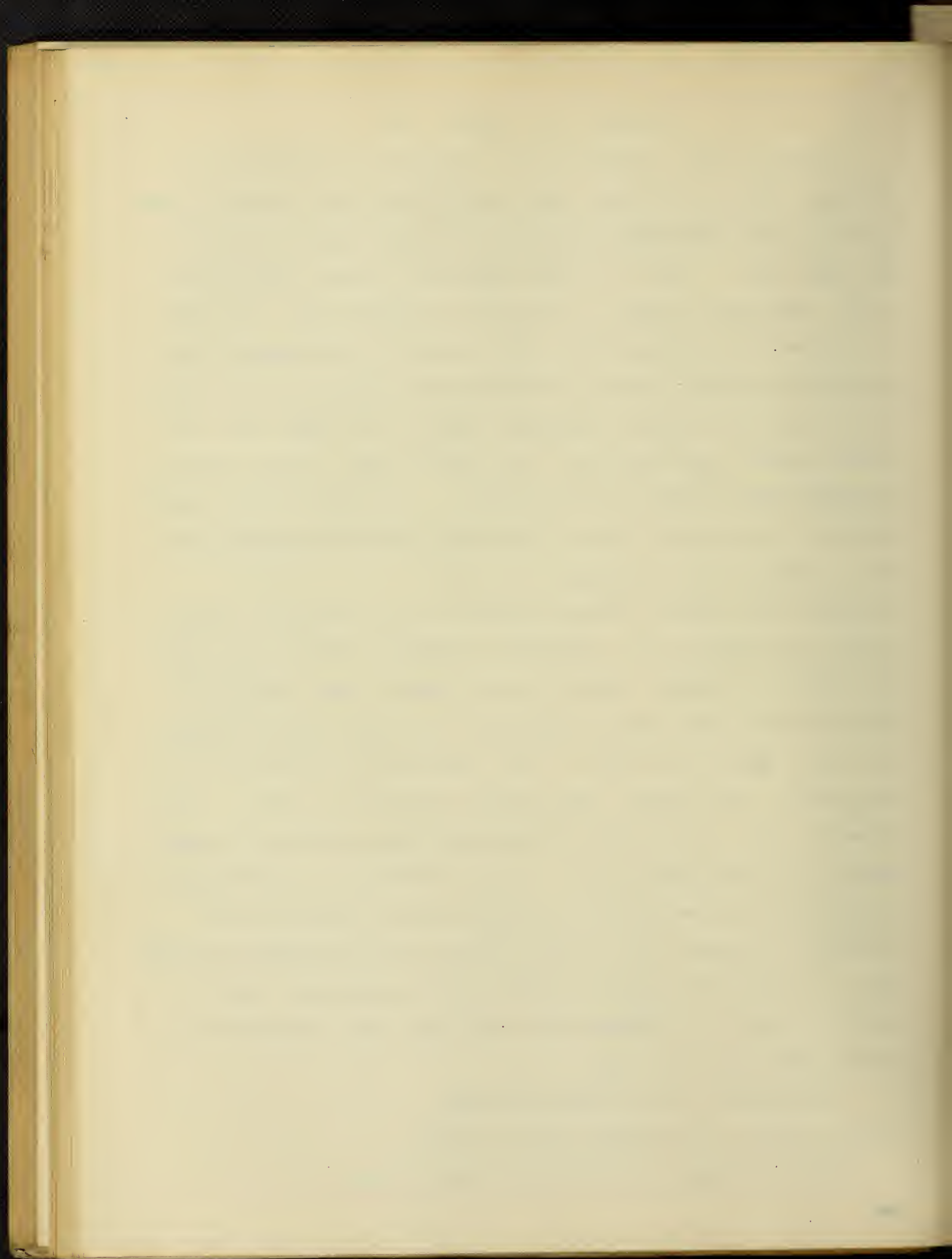
"Baron de Tott, speaking of the ignorance of the Turks, who are also slaves, but whites, said, 'that it was with difficulty that he could make them comprehend how two triangles could be equal to one right one'. But it is only necessary, to prove the nullity of Mr. Jefferson's remark, to copy his own reflections. He asks, 'if the world has produced more than two poets acknowledged to be such by all nations; how many mathematicians, how many great inventors in arts and sciences had Europe, north of the Alps, when the Romans crossed those mountains?' and then he says, 'it was sixteen centuries before ^aNewton could be formed'. And after asking these questions, he absurdly expects that black poets and mathematicians are to spring up like mushrooms. * * * * *

'Religion has produced a Phyllis Wheatly; but it could not produce a poet', is another of Mr. Jefferson's dogmata. Phyllis was brought from Africa to America, between 7 and 8 years of age; and without any assistance from a school education, and before she was 15 years old, wrote many of her poems. This information is attested by her then master, John Wheatly, dated Boston, November 14, 1772. I will transcribe part of her poem on Imagination, and leave ^Qyou to judge whether it is poetical or not. It will afford you an opportunity, if you have never met with it, of estimating her genius and Mr. Jefferson's judgment; and I think, without any disparagement ^Qto him, that, by comparison, Phyllis appears much the superior, indeed, I should be glad to be informed what white upon this continent has ^wwritten more beautiful lines.

'Imagination! who can sing thy force?

Or who describe the swiftness of thy course?

Soaring through air to find the bright abode,



Th' imperial palace of the thund'ring god,

We on thy pinions can surpass the wind,

And leave the rolling universe behind:

From star to star the mental optics rove,

Measure the skies and range the realms above;

There in one view we grasp the mighty whole,

Or with new worlds amaze th' unbounded soul.

Though winter frowns, to fancy's raptured eyes

The fields may flourish, and gay scenes arise;

The frozen deeps may burst their iron bands,

And bid their waters murmur o'er the sands;

Fair Flora may resume her fragrant reign,

And with her flow'ry riches deck the plain;

Sylvanus may diffuse his honours round,

And all the forest may with leaves be crown'd;

Show'rs may descend, and dew's their gems disclose,

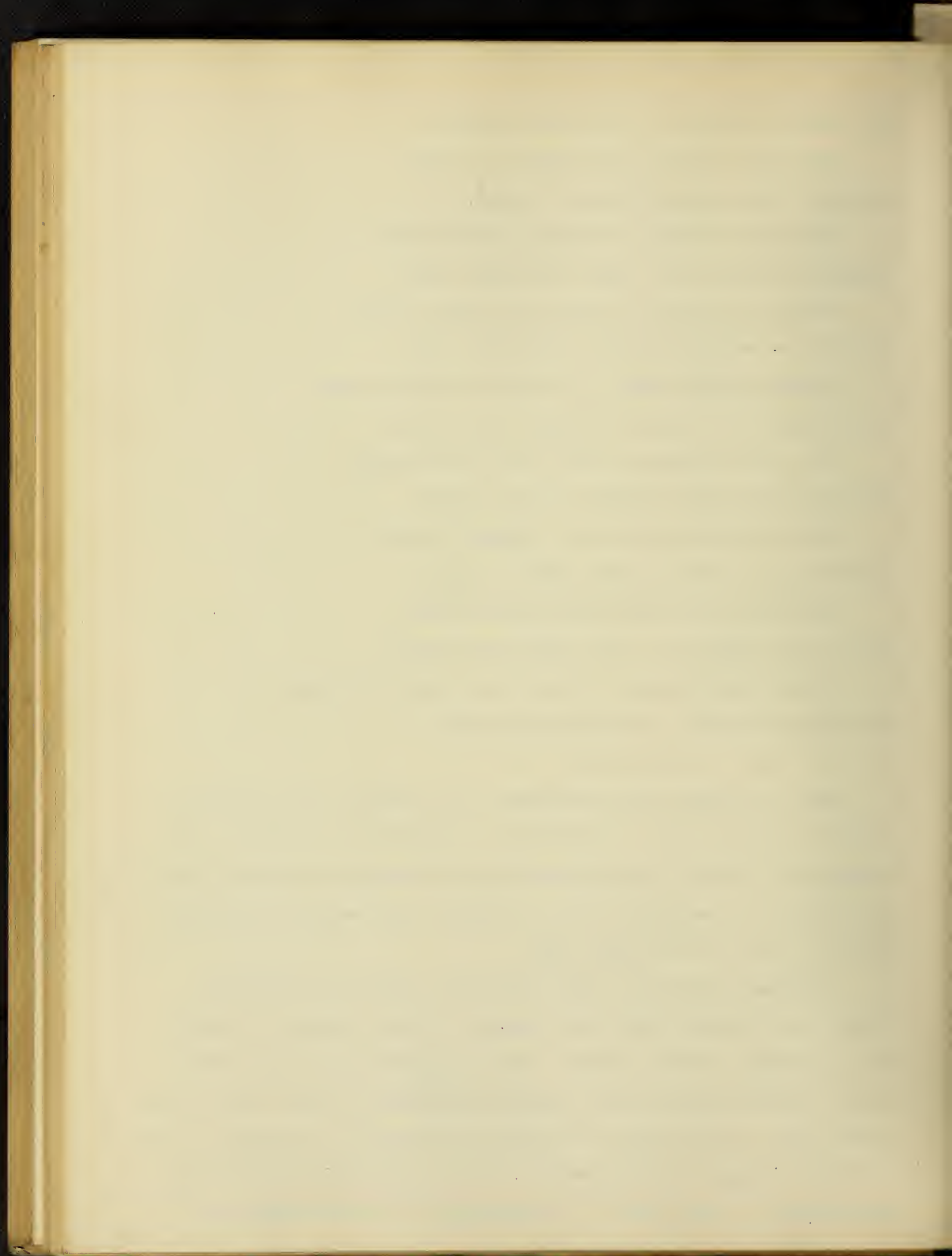
And nectar sparkle on the blooming rose!

* * * * *

But, to complete his paradoxes, Mr. Jefferson has remarked, 'that the Indian, with no advantage of education, is eloquent and ingenious', without recollecting that the savage is free while the poor African is enslaved; though he allows that servitude destroys half the worth of the human soul.

* * * * *

After making several moral reflections upon the subject of slavery, he finishes with these emphatic words: 'Indeed, I tremble for my country, when I reflect that God is just: that his justice cannot sleep forever: that, considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which



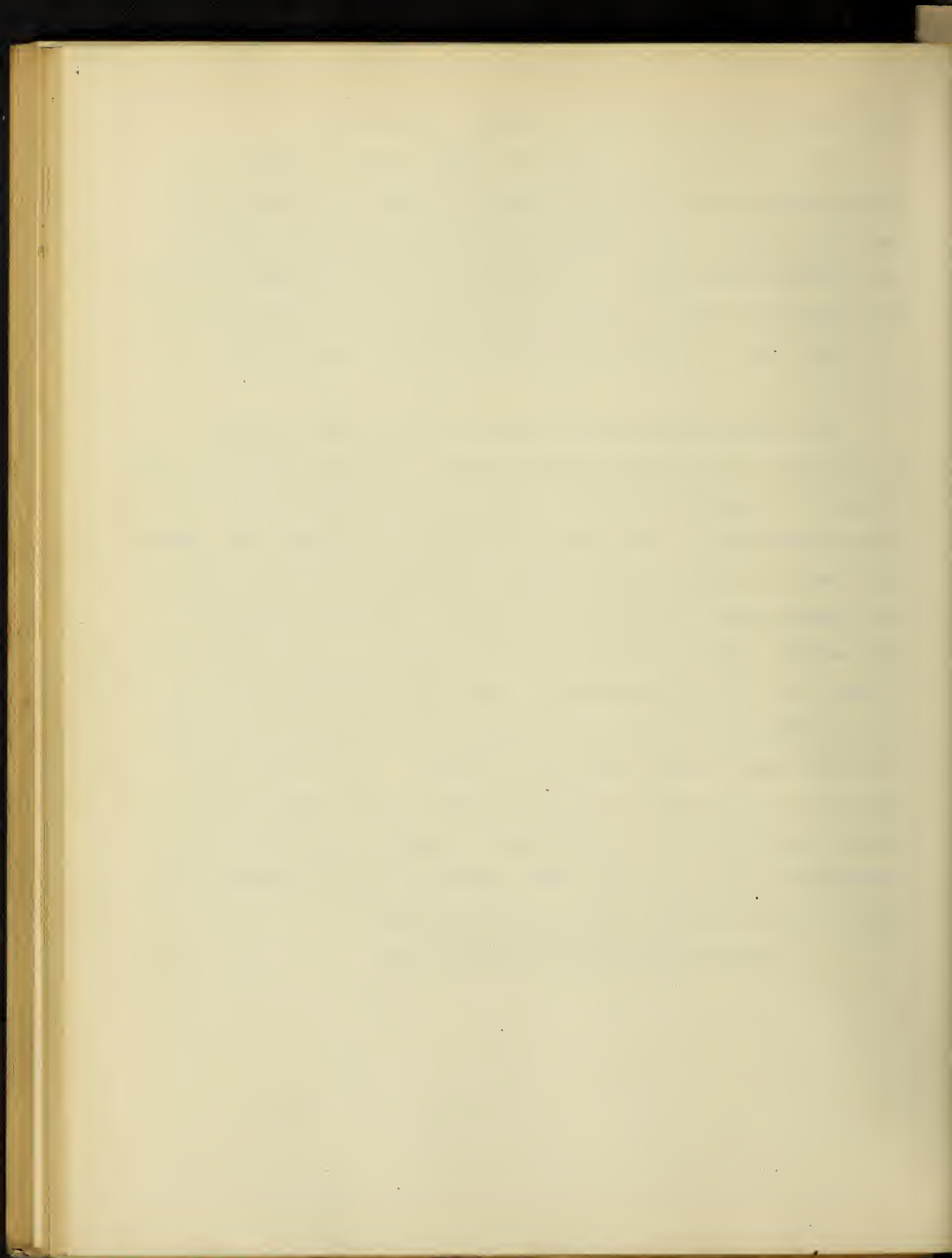
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can take side with us in such a contest'. ***

"I had the pleasure of receiving, within these two days, your favor, dated the 24th of August last, and admire the virtue and humanity of those of your citizens you mention to have left off the use of West India produce, in consequence of your parliament not having adopted any mode of effecting the abolition of the slave trade".

Top. Desc. of The Western Territory of North Amer., 229.

"Dr. Cooper quoted another proverb from his Negro Glasgow, - A mouse can build an house without trouble. And then told us another instance of Glasgow's intellect, of which I had before thought him entirely destitute. The Doctor was speaking to Glasgow about Adam's Fall, and the introduction of natural and moral evil into the world, and Glasgow said, they have in his country a different account of this matter. The tradition was, that a dog and a toad were to run a race, and if the dog reached the goal first, the world was to continue innocent and happy; but if the toad should outstrip the dog, the world was to become sinful and miserable. Everybody thought there could be no danger; but in the midst of the career the dog found a bone by the way, and stopped to gnaw it; and while he was interrupted by his bone, the toad, constant in his malevolence, hopped on, reached the mark, and spoiled the world".

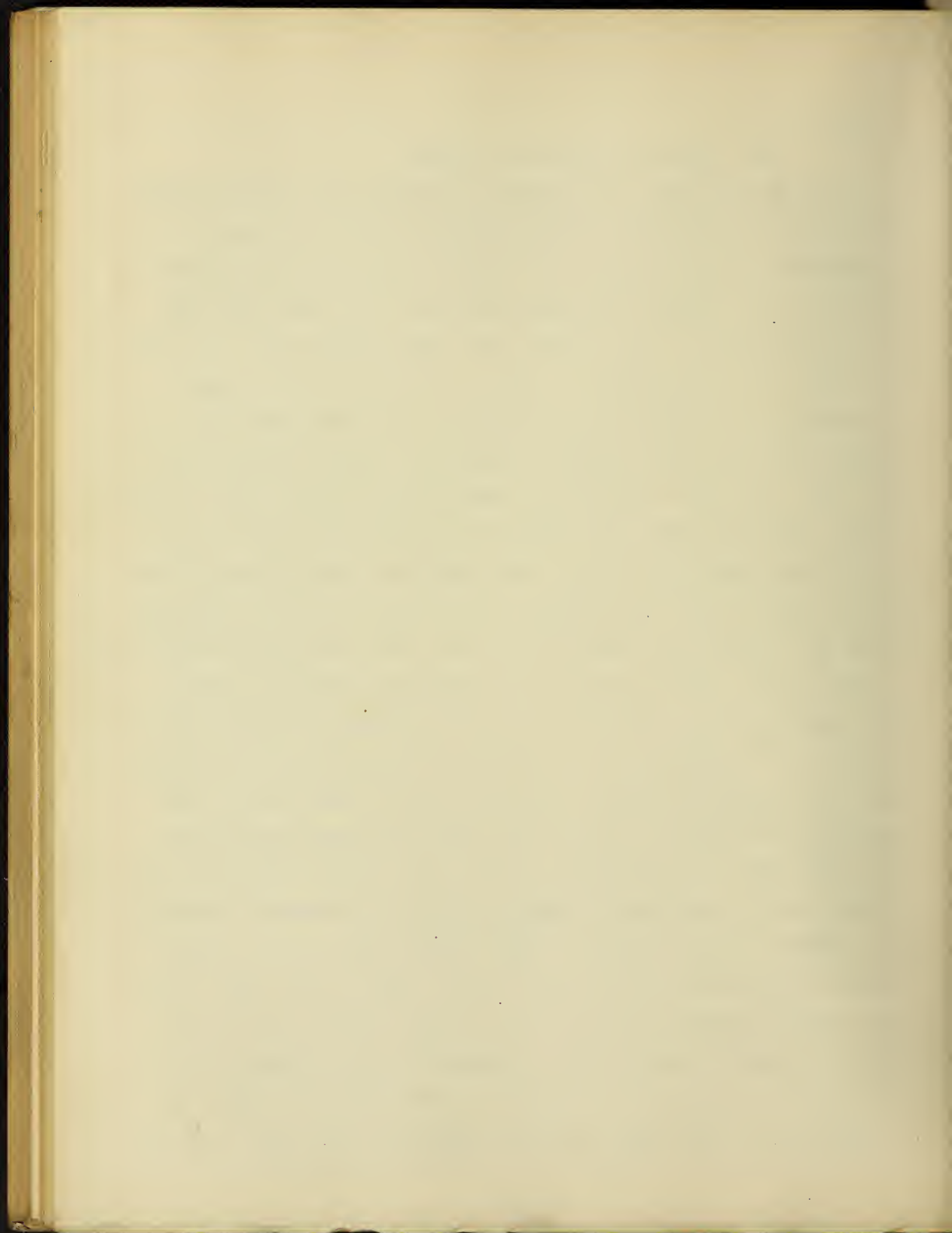
Life and Works of John Adams II, 262.



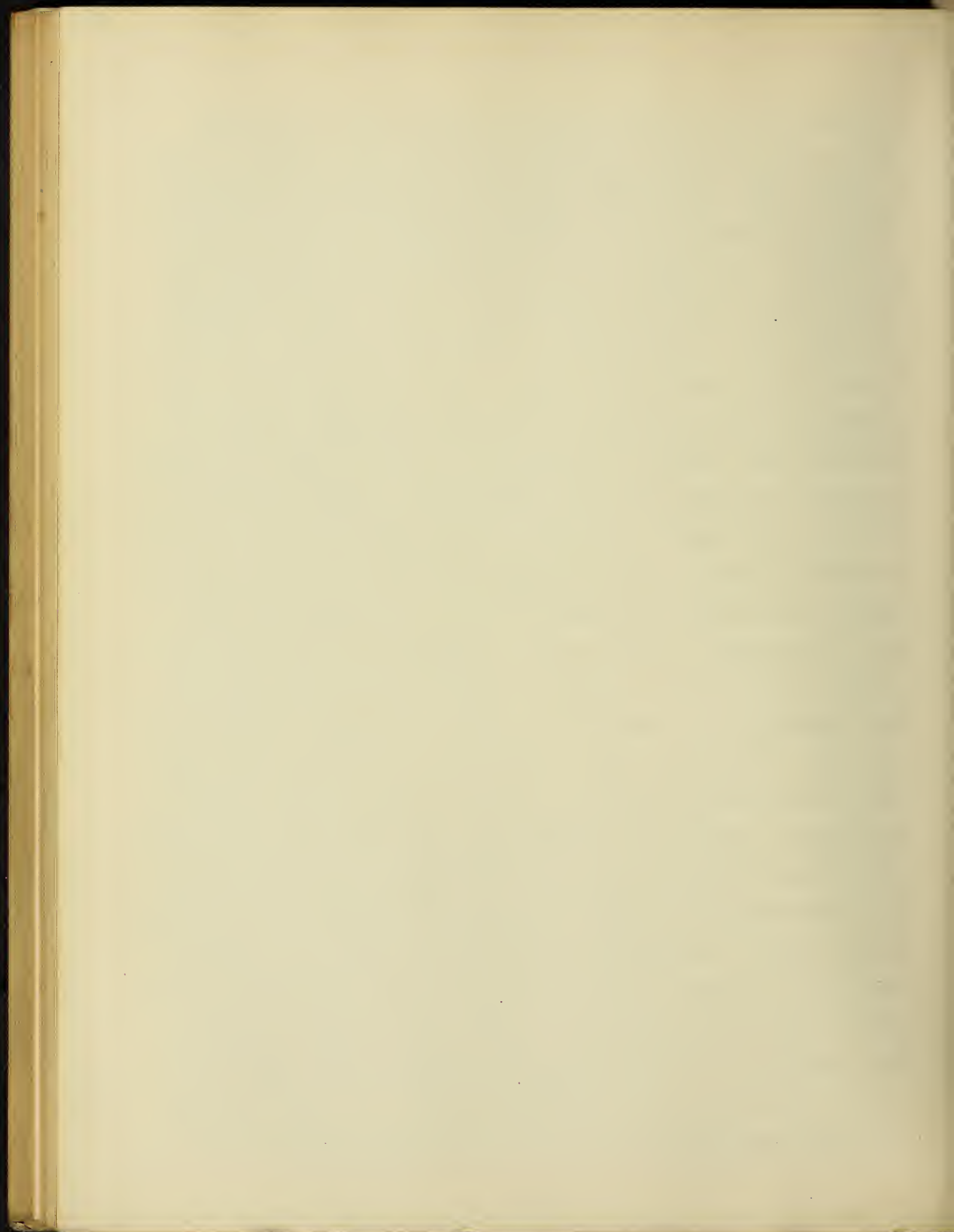
June 23, 1712.

Gov. Hunter to the Lords of Trade.

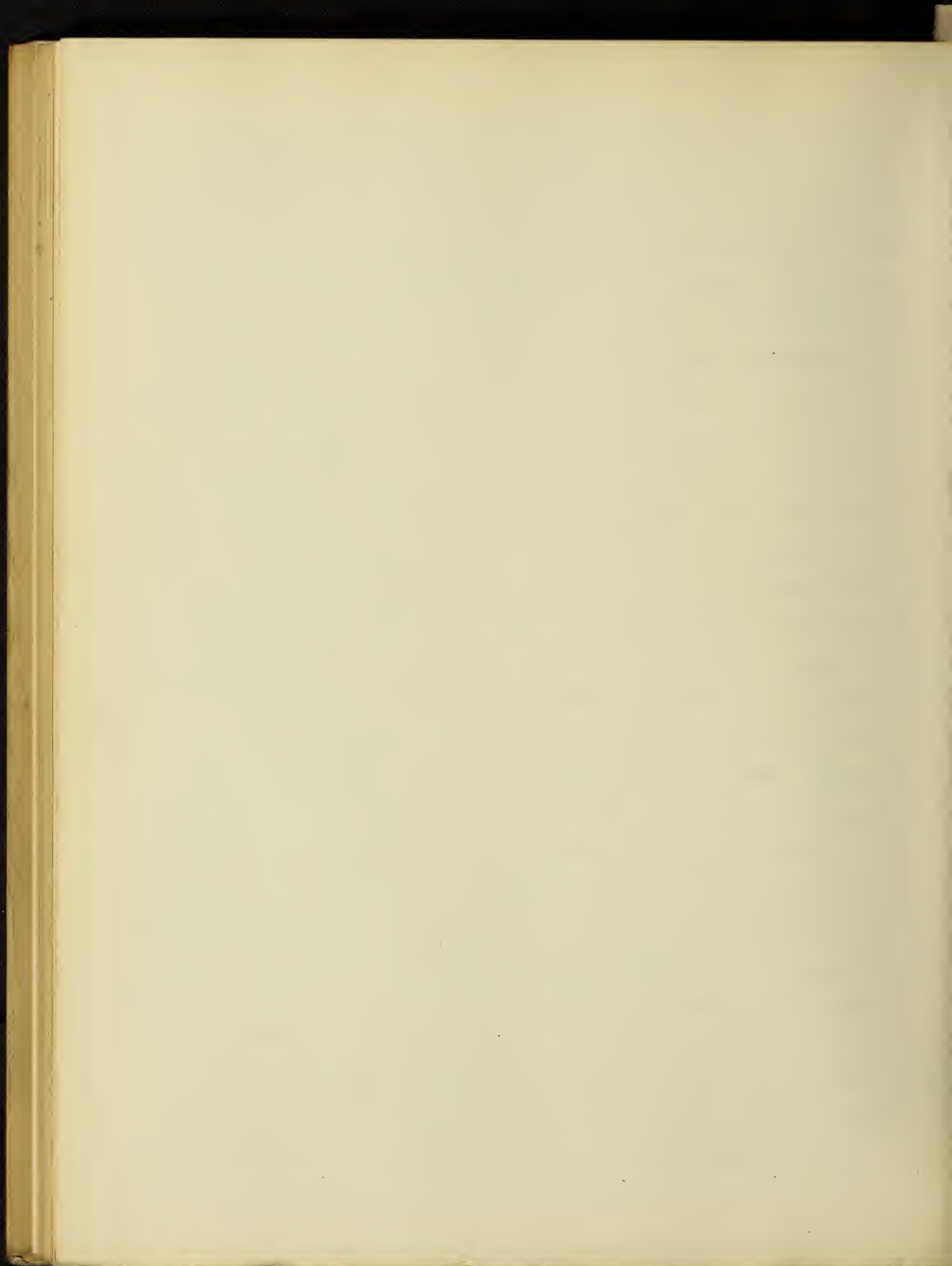
"I must now give your Lordships an account of a bloody conspiracy of some of the slaves of this place, to destroy as many of the Inhabitants as they could, It was put in execution in this manner, when they had resolved to revenge themselves, for some hard usage, they apprehended to have received from their masters (for I can find no other cause) they agreed to meet in the orchard of Mr. Crook the middle of the Town, some provided with fire arms, some with swords and others with knives and hatchets, this was the sixth day of April, the time of meeting was about twelve or one o'clock in the night, when about three and twenty of them were got together, one coffee and negroe slave to one Vantilburgh set fire to an out house of his Masters, and then repairing to the place where the rest were they all sallied out together with their arms and marched to the fire, by this time the noise of fire spreading through the town, the people began to flock to it, upon the approach of severall the slaves fired and killed them, the noise of the guns gave the allarm, and some escaping their shot soon published the cause of the fire, which was the reason, that not above nine Christians were killed, and about five or six wounded, upon the first notice which was very soon after the mischief was begun, I order'd a detachment from the fort under a proper officer to march against them, but the slaves made their retreat into the woods, by the favour of the night, having ordered centries the next day in the most proper places on the Island to prevent their escape, I caused the day following the Militia of this town and of the county of west Chester to drive the Island, and by this means and strict searches in the town, we found



all that put the design in execution, six of these having first laid violent hands upon themselves, the rest were forthwith brought to their tryal before y^e Justices of this place who are authorized by Act of Assembly, to hold a Court in such cases, In that Court were twenty seven condemned whereof twenty one were executed, one being a woman with child, her execution by that meanes suspended, some were burnt, others hanged, one broke on the wheele, and one hung a live in chains in the town, so that there has been the most exemplary punishment inflicted that could be possibly thought of, and which only this act of Assembly could Justify, among these guilty persons severall others were apprehended, and again acquitted by the Court, for want of sufficient evidence, among these was one Mars a negroe man slave to one Mr. Regnier, who was to his tryall and acquitted by the jury, the Sheriffe the next day moving the Court for the discharge of such as were or should be soe acquitted, by reason hee apprehended they would attempt to make their escape but Mr. Bickley who then executed the office of the Atter. Generall, for Mr. Raymer opposed his motion, telling the Court that at that time, none but Mars being acquitted, the notion could be only intended in his favour, against whom he should have some thing further to object, and therefore prayed he might not be discharg'd, and being a third time presented was transferr'd (the Court of Justices not designing to sit again) to the supream Court, and there tryed and convicted on y^e same evidence, on his two former tryals, this prosecution was carryed on to gratify some private pique of Mr. Bickleys against Mr. Regnier, a gentleman of his own profession, which appearing so partial, and the evidence being ^{re-}presented to me as very defective, and being wholly acquitted of ever having known any thing of the

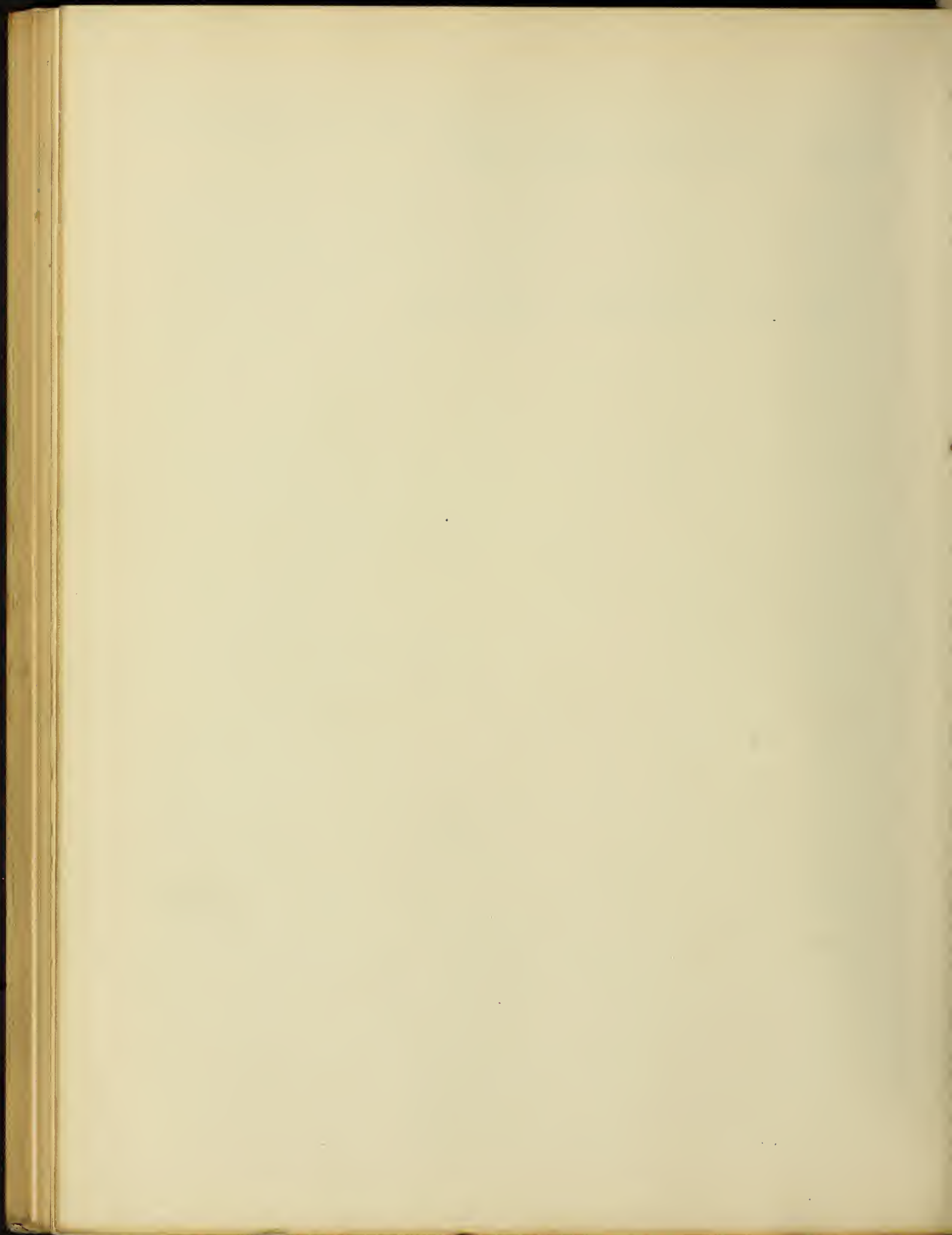


Conspiracy by the Negroe witnesses, who were made use of in the try-
als of all the criminals before the Justices, and without whose tes-
timonies very few could have been punished, I thought fit to reprieve
him till Her Majesties pleasure be known therein. if this supream
court were likewise tryed, one Husea belonging to Mrs. Wenham, and
one John belonging to Mr. Vantilbourgh and convicted, these two
are prisoners taken in a Spanish prize this war and brought into
this Port by a Privateer, about six or seven years agoe and by rea-
son of their colour which is swarthy, they were said to be slaves
and as such were sold, among many others of the same colour and coun-
try, these two I have likewise reprieved till Her Majesties pleas-
ure be signified. soon after my arrival in this government I re-
ceived petitions from several of these Spanish Indians as they are
called here, representing to me that they were free men subjects to
the King of Spain, but sold here as slaves, I secretly pittied their
condition but haveing no other evidence of what they asserted than
their own words, I had it not in my power to releive them, I am
informed that in the West Indies where their laws against their
slaves are most severe, that in case of a conspiracy in which many
are engaged a few only are executed for an example, In this case
21 are executed, and six having done that Justice on themselves nor
have suffered than we can find were active in this bloody affair x
which are reasons for my repreiving these, and if your Lordships
think them of sufficient weight, I beg you will procure Her Majesty's
pleasure to be signified to me for their pardon, for they lye now
in prison at their masters charge, I have likewise reprieved one
Tom a Negroe belonging to Mr. Van Dam and Coffee a Negroe belong-
ing to Mr. Walton these two I have reprieved at the instance of the



Justices of the Court, who were of opinion that the evidence against them, was not sufficient to convict them".

Doc. rel. to Col. Hist. of N.Y. V, 341.

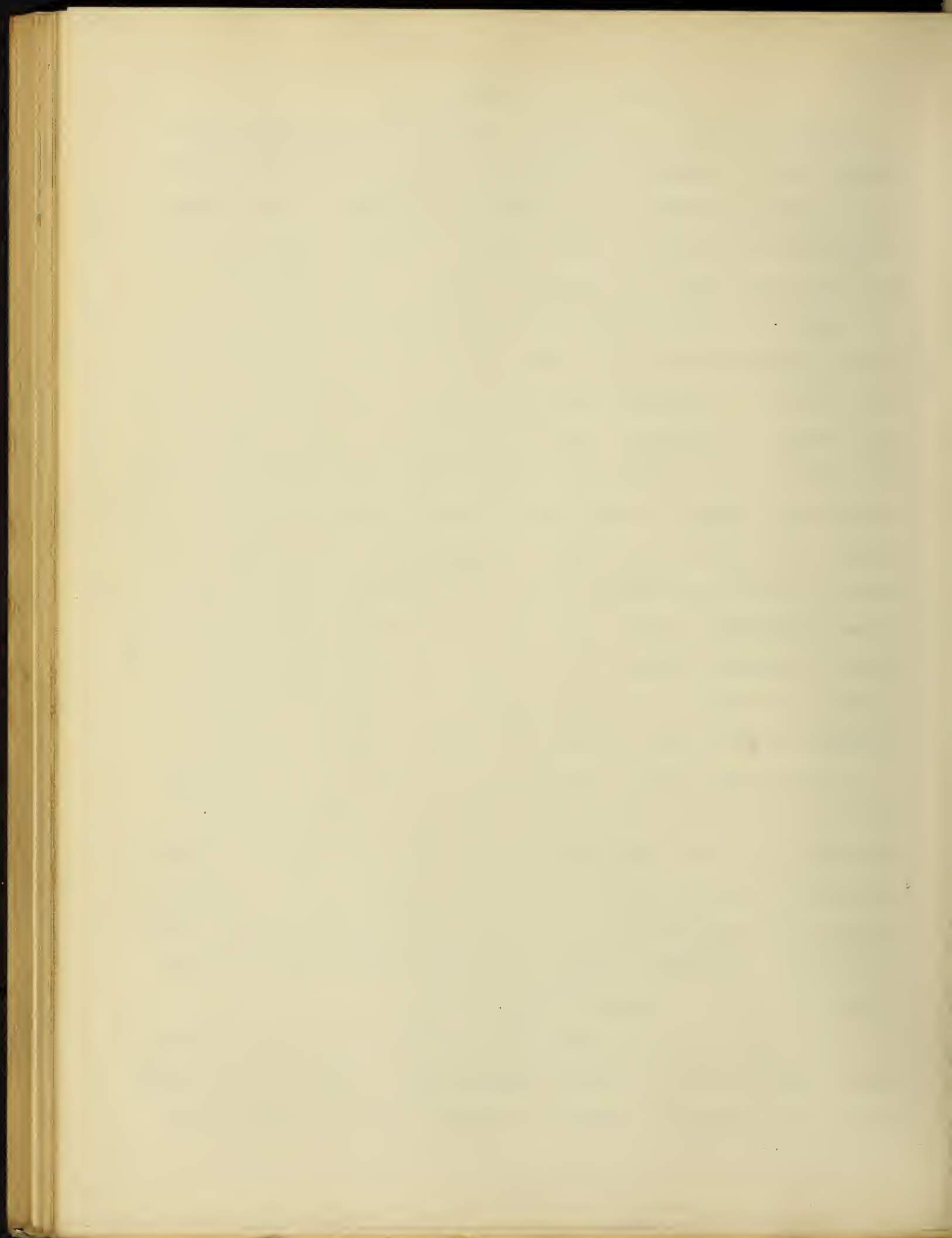


APPENDIX TO CHAPTER III.

"Notwithstanding the positive prohibition of the state constitution, and the uniform understanding of its decisive effect against the existence of slavery in any form, it was stated in the official publication of the United States census for Vermont taken in 1791, that there were then in the state 16 slaves. This imputation on the character of our institutions, though altogether erroneous, remained unexplained until 1872, when the original return of the census of 1791 was discovered among the archives at Washington by Colonel George D. Herrington, acting superintendent of the census bureau, which clearly showed that the published report of that census, so far as it charged the state with having slaves, was unfounded and untrue. No slaves were found in the state at any subsequent enumeration of its inhabitants; but in the published official reports of each subsequent census, there has been inserted comparative statements of previous enumerations, in which the stigma of the existence of slavery in Vermont in 1791 was repeated; the number 16 having been increased in these later reports, by some new blunder to 17.

In the report of the census of 1870, at page 60, the original error was corrected, for the reason stated in the note as follows: 'The census of 1790, published in 1791, reports 16 slaves in Vermont. Subsequently and up to 1860, the number is given as 17. An examination of the original returns shows that there never were any slaves in Vermont. The error occurred in preparing the results for publication'. How the error occurred.

The following table, showing the population of Vermont by counties is taken from the official census report of 1791. It was also found in Dr. Williams's History of Vermont, Edition of 1794, page 411:

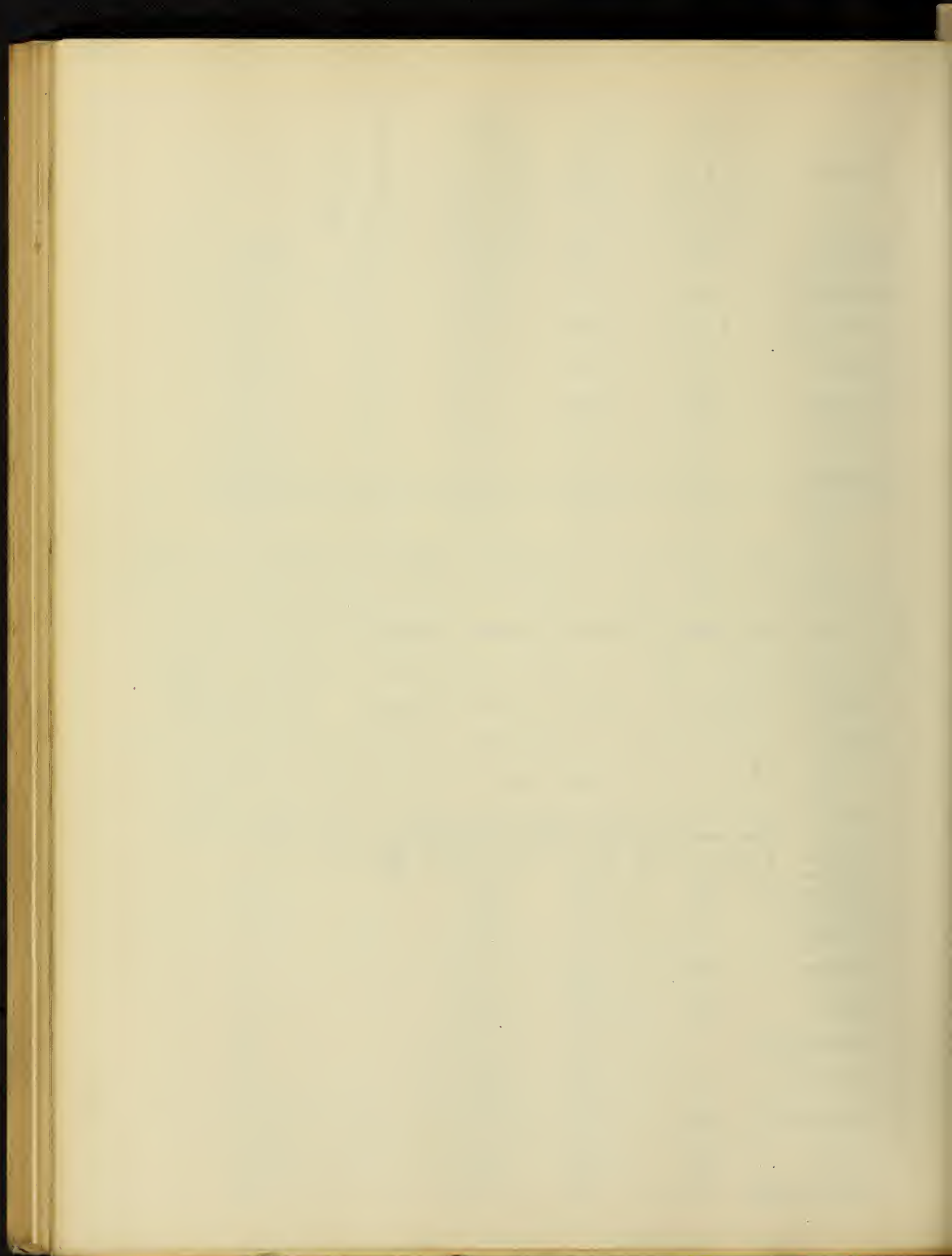


Counties	Free white males of 16 years and upwards including heads of families.	Free white males under 16 years.	Free white females including heads of families.	All other persons.	Slaves.	
Addison,	1,784	1,664	2,964	37		6,449
Bennington,	3,114	3,211	5,893	20	16	12,554
Chittenden,	2,256	1,764	3,258	23		7,301
Orange,	2,874	2,768	4,846	41		10,529
Rutland,	3,986	4,092	7,456	31		15,565
Windsor,	4,003	4,157	7,543	45		15,748
Windham,	4,418	4,672	8,545	58		17,693
Total,	22,435	22,328	40,505	255	16	85,539.

It will be perceived that all the slaves are reported to be in the county of Bennington, and that not one is found in any other part of the state, though Bennington county contained only one-sixth of its population. This of itself is calculated to create a strong suspicion against the accuracy of the statement. For why should there be sixteen slaves in that county and none in any of the others?

The census of the several towns in the county of Bennington in 1791, as reported and published by the seat of government, was as follows:

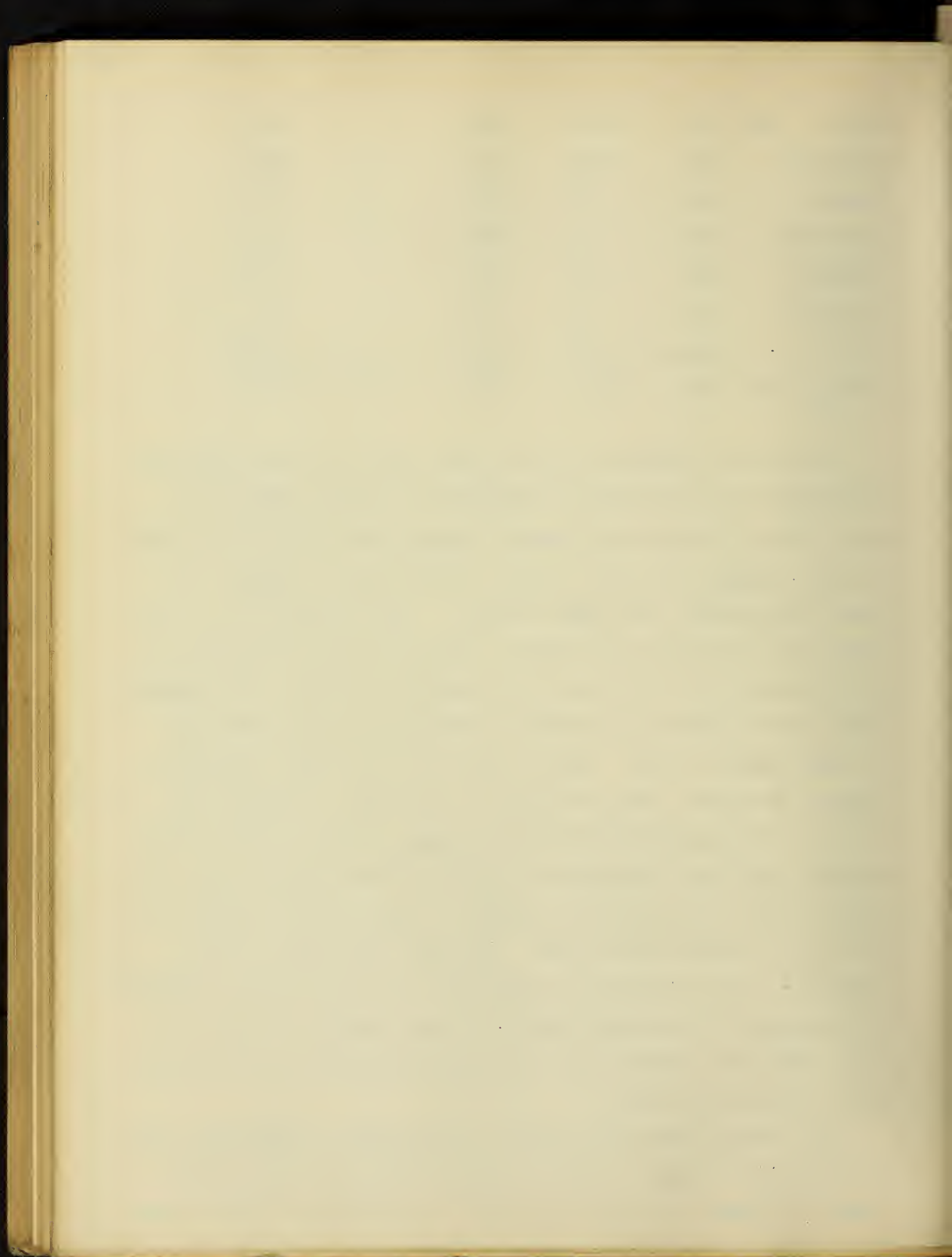
Towns.	Free white males of 16 years and upwards including heads of families.	Free white males under 16 years.	Free white females including heads of families.	All other free persons.	Slaves.	Total.
Arlington,	251	252	487		1	991
Bennington,	639	604	1,114	11	9	2,377
Bromley	21	19	31			71
Dorset,	240	231	487			958
Glastenbury,	6	11	17			34
Landgrove,	7	4	20			31
Manchester,	338	338	595	2	3	1,276
Pownal,	419	499	825	2	1	1,746
Readsborough,	16	16	32			64



Rupert, 251	251	288	494			1033
Shaftsbury,	491	530	974	3	1	1999
Stamford,	69	65	137	1		272
Sunderland,	113	101	199	1		414
Sandgate,	198	189	386			773
Woodford,	16	18	26			60
Winhall,	39	46	69		1	155
Total of the	3114	3211	5893	20	16	12254
Co.						

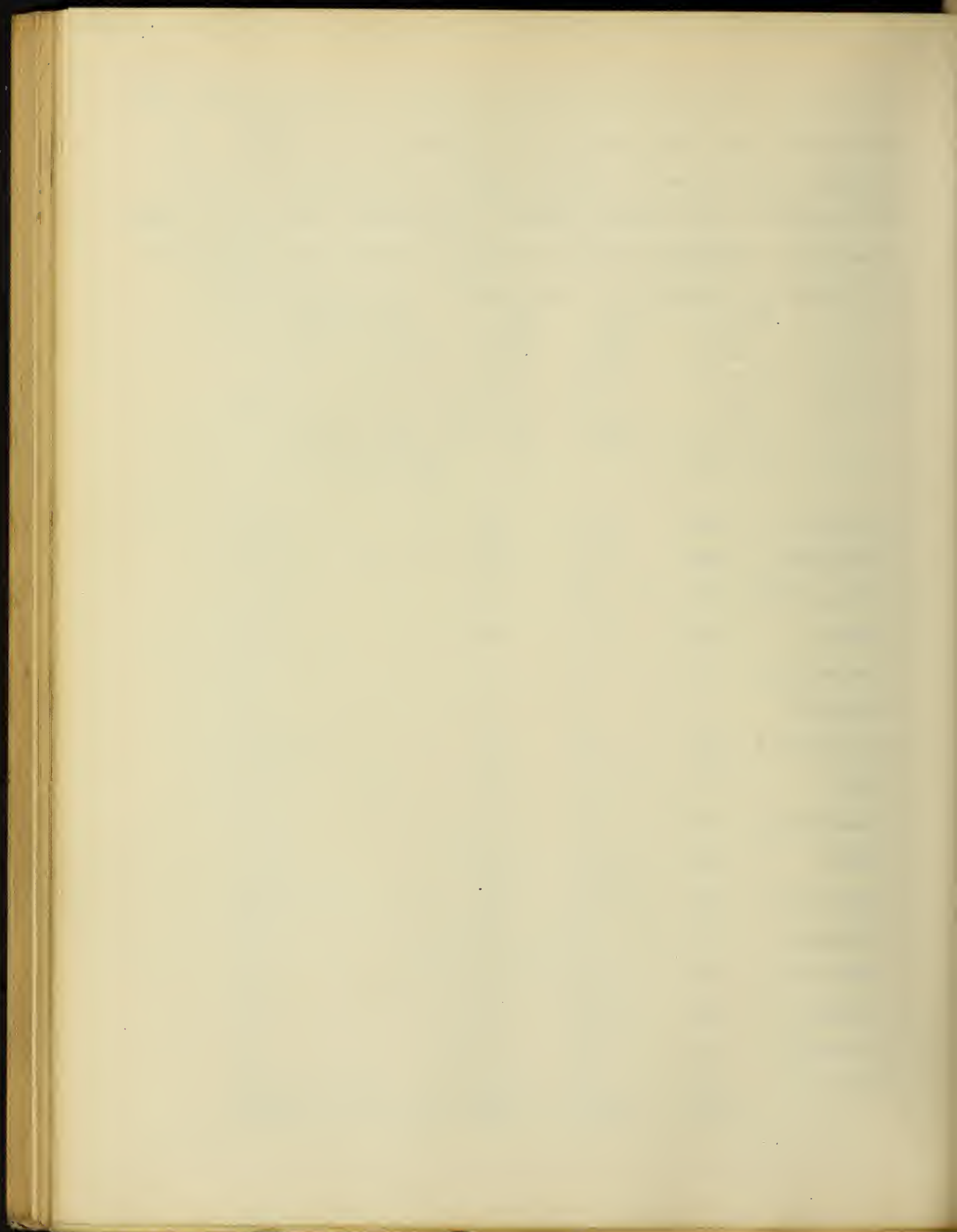
It will be noticed that in the above table the whole population is divided into five classes, designated as follows: First, Free white males of 16 years and upwards; Second, Free white males under 16 years; Third, Free white females (of all ages); Fourth, all other free persons; and Fifth, Slaves. This division was in conformity to the census act of March 1 1790, for which a form was given in the act, with the columns and headings as above. The original ⁿreturn of the assistant marshall for Bennington county shows that he added another column - one not required by the act. Having no occasion ~~of~~ ^{for} slaves, there being none to enumerate, he substituted for the above two right hand columns, three columns for free blacks, dividing them into classes as in the case of free whites, viz., into those of males of 16 years and upwards, of males under 16 years of age, and of females of all ages. This gave the number of free persons who were not whites as required by the act, with the addition of specifying the different ~~cal~~ ^{cl}asses of these persons, of which the whole number was composed, with the same particularity as was required in the case of whites.

The original manuscript return of the census of Bennington county, contains the ~~names~~ ⁿ of all the heads of families in the several towns and against each name the number in the fami ly of each class



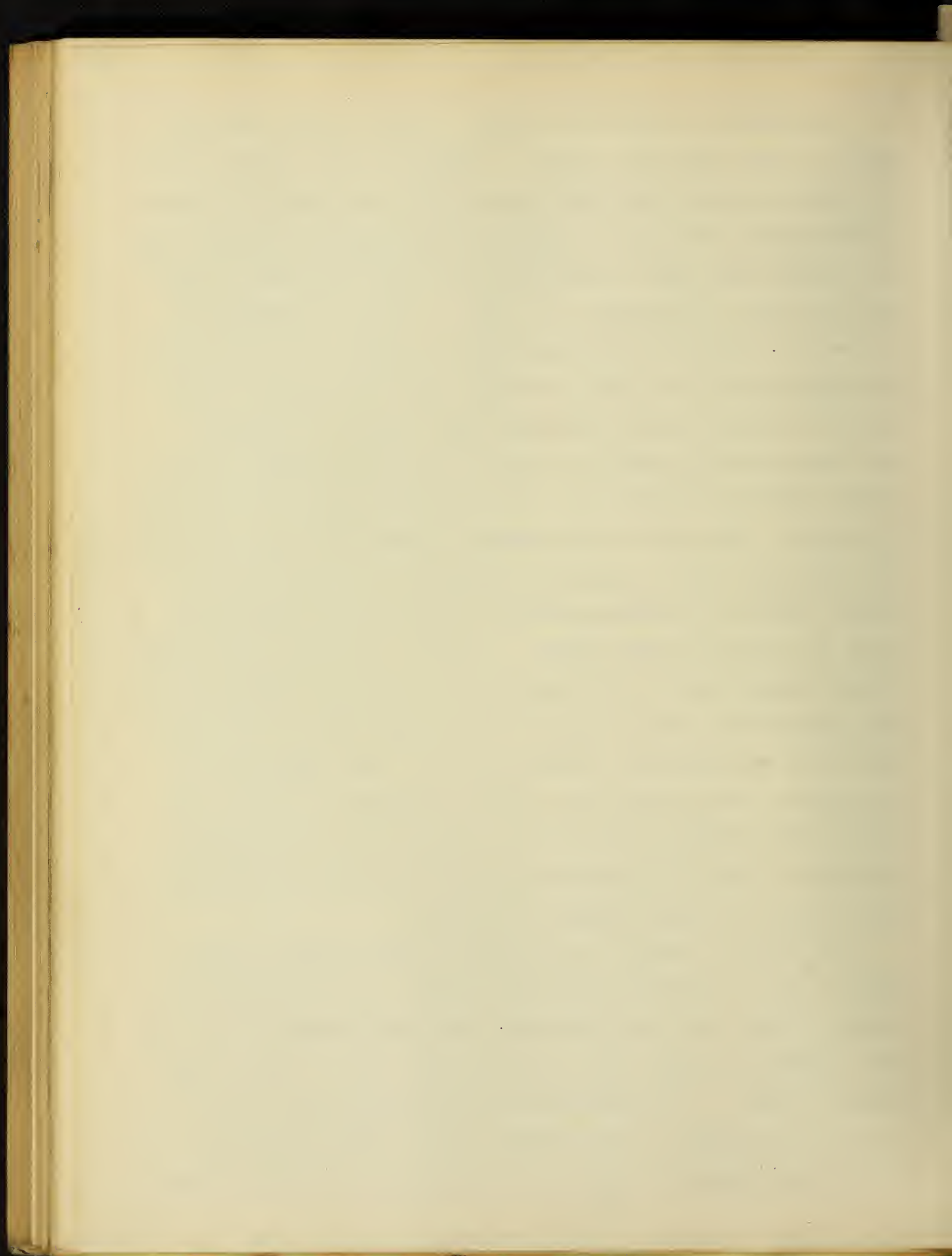
of persons. It is plainly written, on sheets of foolscap paper pasted together, and forms a roll of over twenty feet in length. The following table gives the precise words of the headings of the several columns of the original return, and accurate copies of the footings of the different classes of persons in each town, with the total number of persons of all the classes in the several towns.

Towns	Free white males of 16 years and upwards including heads of families.	Free white males under sixteen years.	Free white females including heads of families.	Free Blacks. 1st column over sixteen of males 2d column under 16 years 3d column females, which include the three last columns.			Total.
Arlington	251	252	487		1		991
Bennington,	639	604	1114	9	2	9	2377
Bromley, (Peru)	21	19	31				71
Dorset,	240	231	487				958
Glastenbury,	6	11	17				34
Landgrove,	7	4	20				31
Manchester,	338	338	595	2		3	1276
Pownal,	419	499	825	1	1	1	1746
Readsborough,	16	16	32				64
Rupert,	251	288	494				1033
Shaftsbury,	491	530	974	3		1	1999
Stamford,	69	65	137	1			272
Sunderland,	113	101	199	1			414
Sandgate,	198	189	386				773
Woodford,	16	18	26				60
Winhall,	39	46	69		1		155
	3114	3211	5893	17	4	15	12254



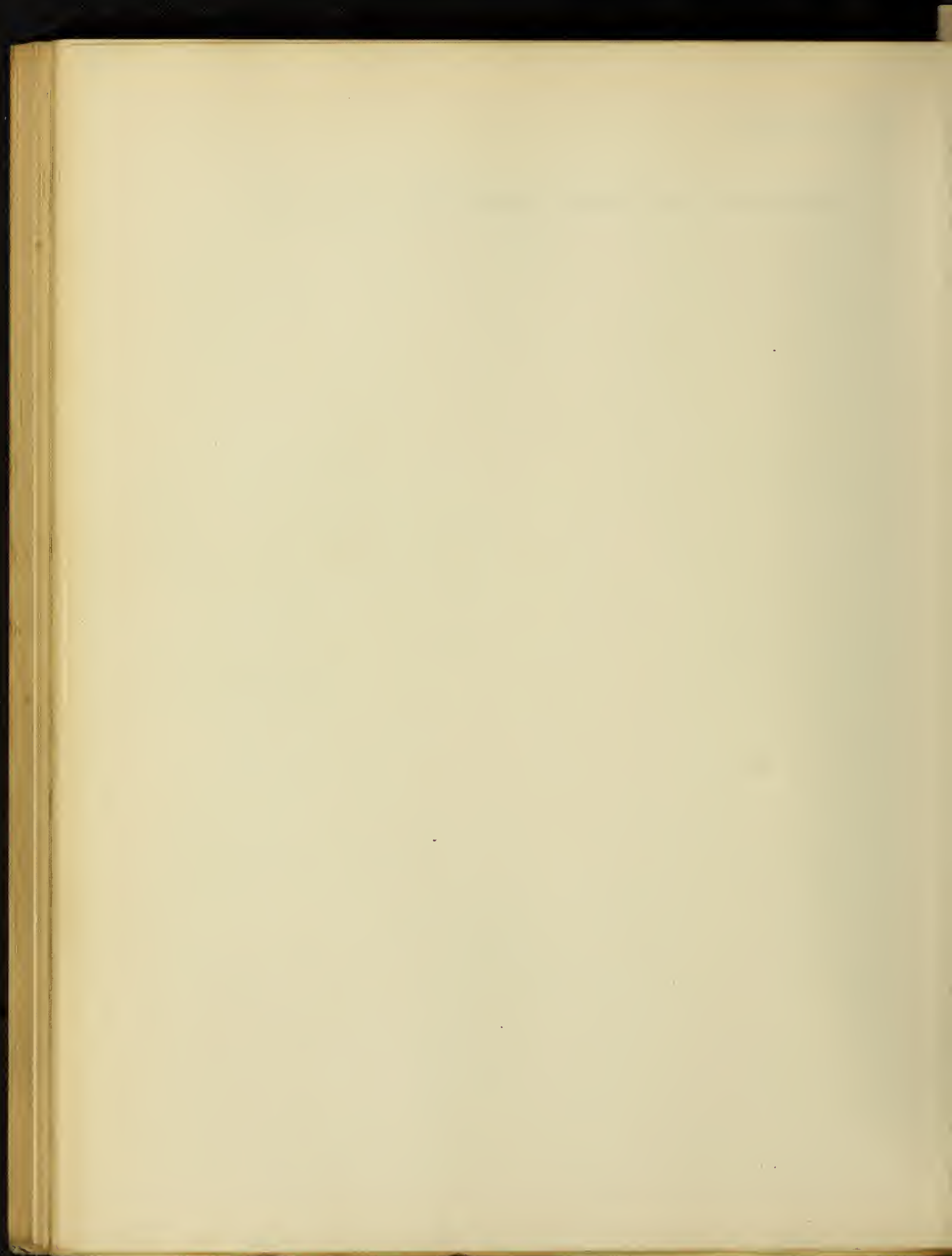
By comparing the above two tables, it will be seen that they agree in every particular, except in relation to free colored persons and slaves, and that they differ only in this, that while the number of free persons of color, as returned by the assistant marshall, was 36, the published report transforms 16 of them into slaves, allowing only twenty of the number to be free. Nor is it difficult to see how the error in the published report occurred. The transcriber having blanks to fill with the right hand column headed slaves, copied the numbers found in the right hand column of the return, and thus heedlessly turned the fifteen free colored females into x slaves, adding at the close one free male under sixteen for the town of Winhall. This addition for Winhall is accounted for by the fact that the figure in the manuscript return was so placed, as to be x readily taken by a careless observer to belong to the column from which the fifteen had been copied. It will be noticed that the two tables not only show by their footings that the sixteen reported slaves were free persons, but also agree in the number that was taken from each of the several towns to make up the 16. This examination of the original return establishes, beyond controversy or doubt, that the published official report of the census of 1791 was erroneous, and also the truth of the assertion at the beginning of this article that slavery was always excluded from Vermont.

The original return of the Bennington county census is certified by David Robinson as assistant marshall. He was afterwards sheriff of the county for over twenty years, and marshall of the Vermont district for eight years, ending in 1819, and he died in Bennington in 1843. His handwriting was extensively known and was familiar to the writer of this article, who has carefully examined the original manuscript and knows the certificate upon it to be his gen-



uine autograph."

New Eng. Hist. and Geneal. Register XXIX, 248 et seq.



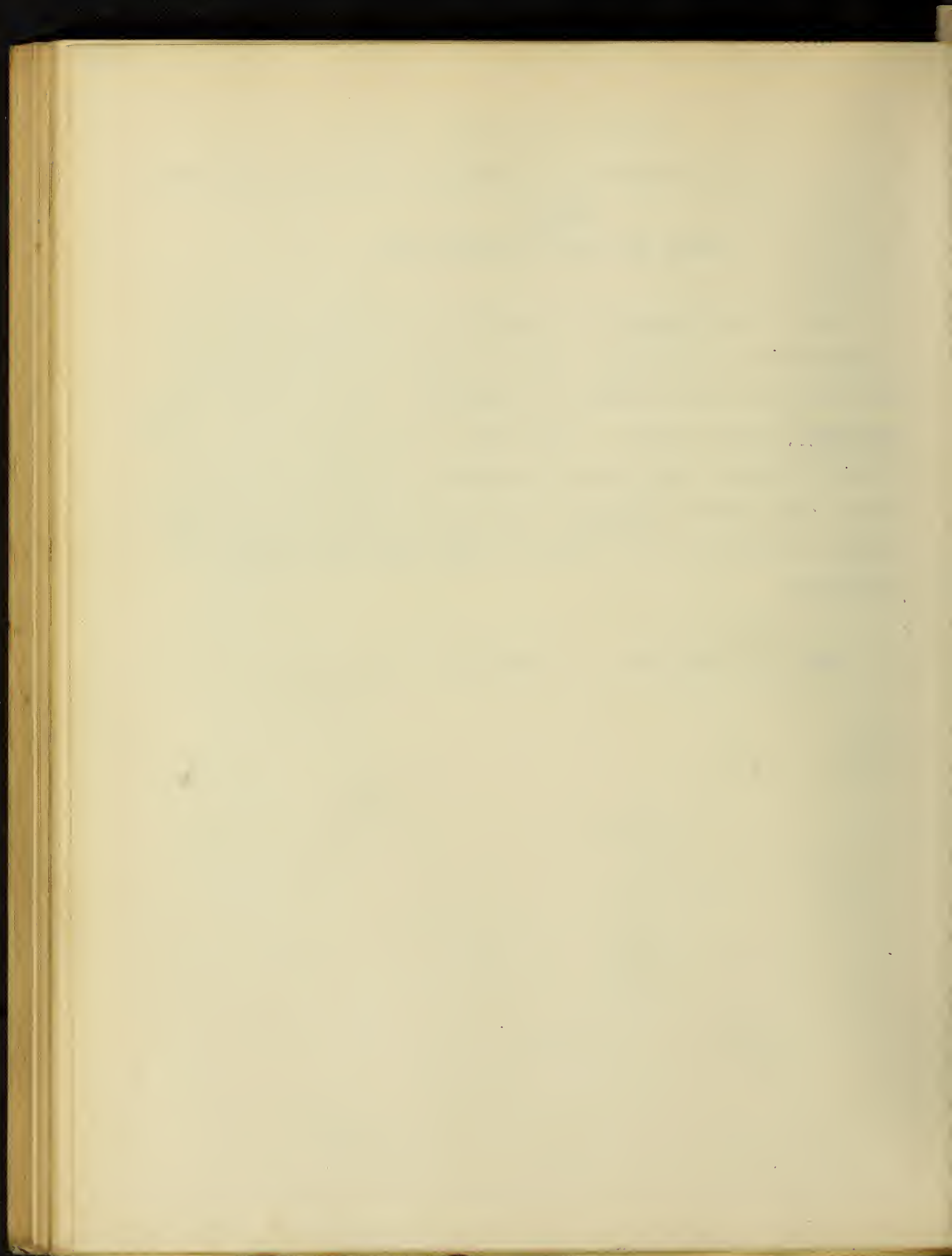
APPENDIX TO CHAPTERS IV AND V.

" An Act against the Profanation of the Lord's Day called
Sunday.

Passed the 22d of October, 1695.

But if the Offender of the Premises be either an Indian, or a Negro Slave, or a Servant, shall, for each such Offense whereof he or they shall be convicted, as aforesaid, forfeit the Sum of Six Shillings, current Money, as aforesaid: But in Default of not paying, then the Indian, Negro Slaves and Servant, offending in the Premises, shall receive Thirteen Lashes upon the naked Back, for each Offense committed by such Indian, or Negro Slave, and Servant, as aforesaid".

Chap. LII, Laws of N. Y., 1691-1773, I, 23.

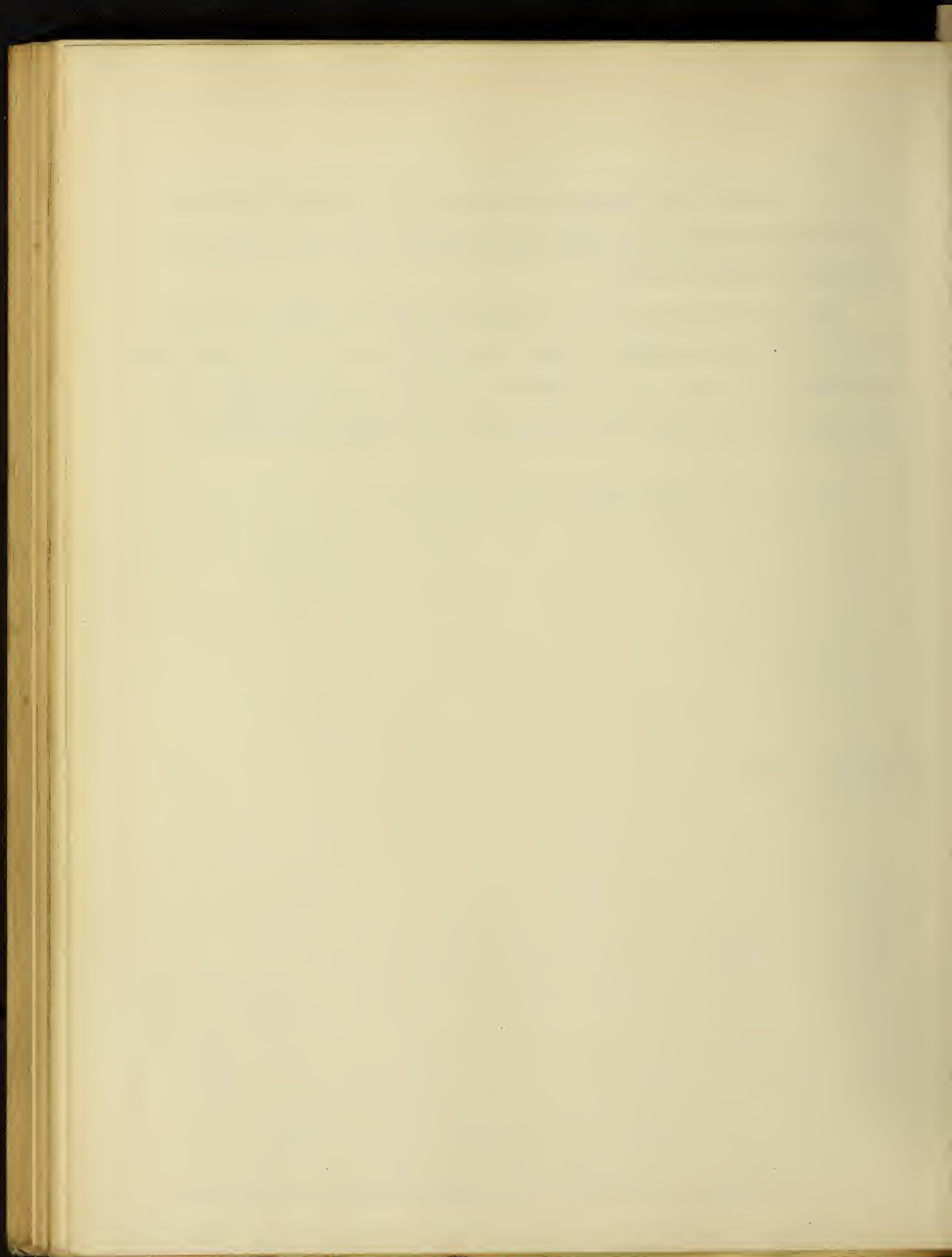


1630.

Freedoms and Exemptions granted by the Board of Nineteen of the Incorporated West India Company to all those who will plant Colonies in New Netherland.

"XXX. The Company will use their Endeavors to supply the Colonists with as many Blacks as they conveniently can, on the conditions hereafter to be made, in such manner, however, that they shall not be bound to do it for a longer time than they shall think proper".

Doc. rel. to Col. Hist. of N. Y. II, 557.



Mass. Body. of Liberties. 1641.

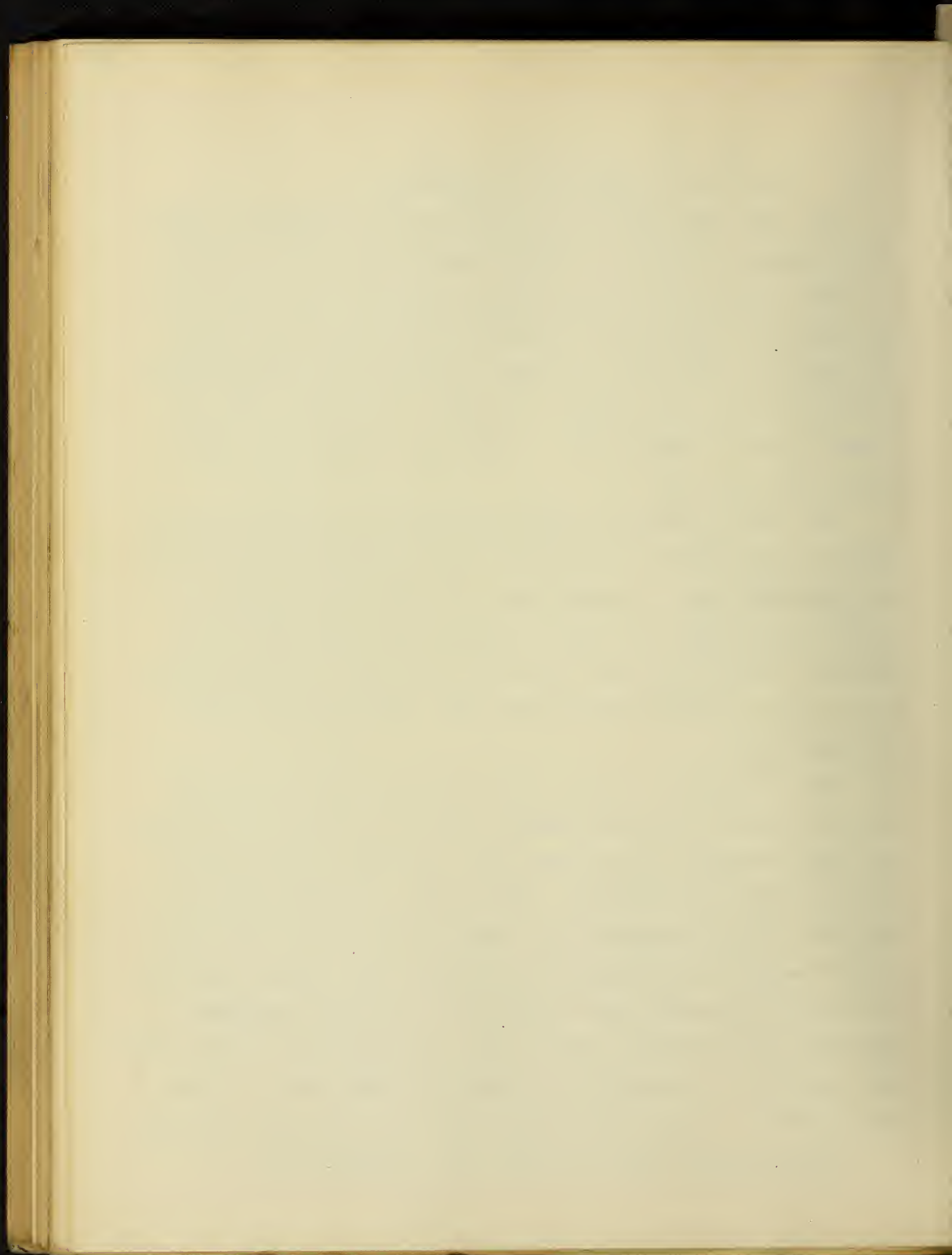
"Liberties of Forreiners and Strangers.

91. There shall never be any bond slaverie, villinage or captivitie amongst us unles it be lawfull captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of god established in Israell concerning such persons doeth morally require. This exempts none from servitude who shall be Judged thereto by authoritie". Found also in Mass. Hist. Soc. Coll., III, VIII, 231.

"98. Lastly because our dutie and desire is to do nothing suddenlie which fundamentally concernes us, we decree that these rites and liberties, shall be Audably read and deliberately weighed at every Generall Court that shall be held, within three yeares next insueing, And suc of them as shall not be altered or repealed they shall stand so ratified, That no man shall infringe them without due punishment.

And if any Generall Court within these next thre yeares shall faile or forget to reade and consider them as abovesaid, The Governor and Deputy Governor for the time being, and every Assistant present at such Courts, shall forfeite 20sh. a man, and everie Deputie 10 sh. a man for each neglect, which shall be paid out of their proper estate, and not by the Country or the Townes which choose them, and whensoever there shall arise any question in any Court amonge the Assistants and Associates thereof about the explanation of these Rites and liberties, The Generall Court onely shall have power to interprett them". Found also in Mass. Hist. Soc. Coll., III, VIII, 236.

Select Charters illus. of Amer. Hist., 1606-1775, 86.



Dec. 15 1644.

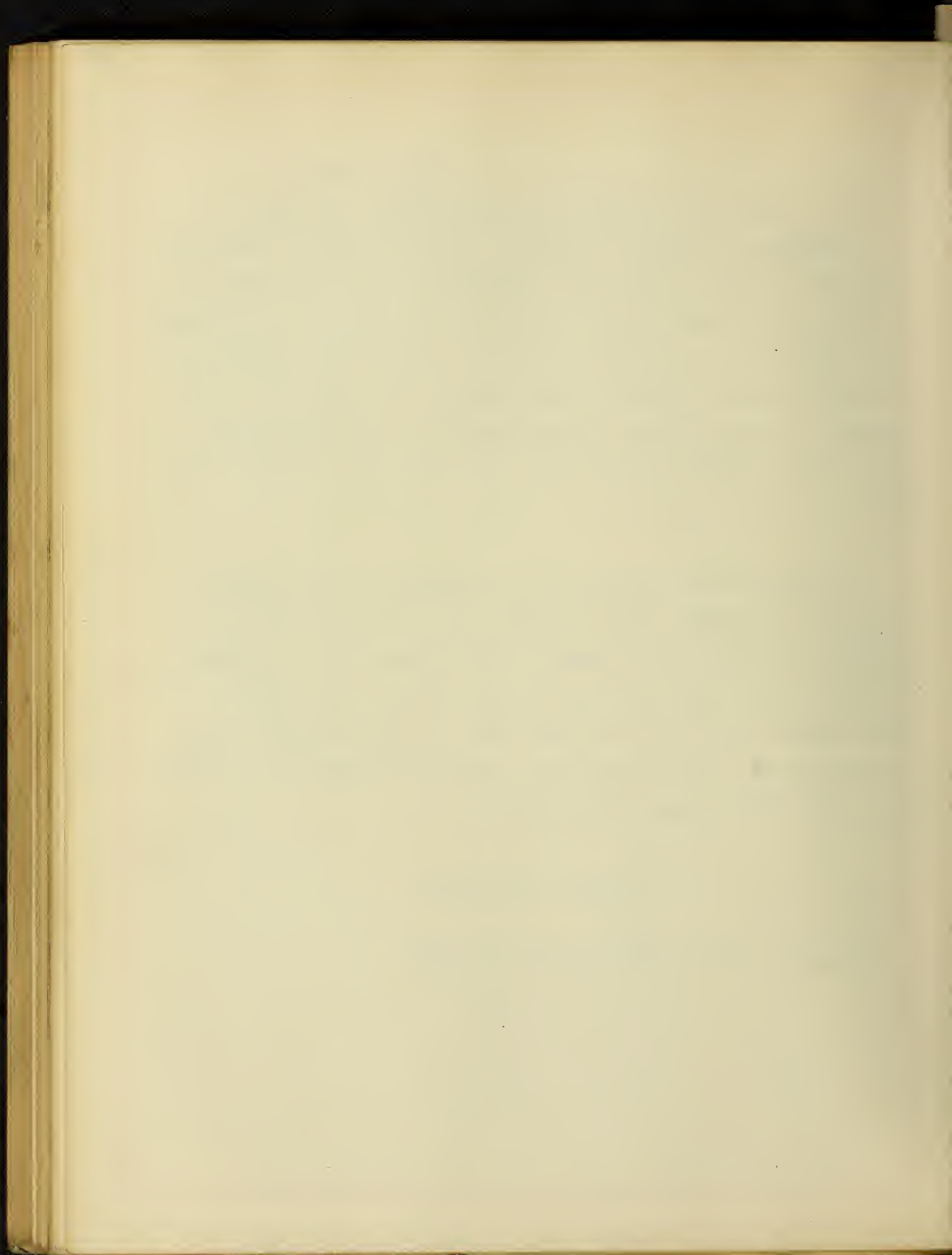
Report of the Board of Accounts on New Netherland.

"Fifthly, it would be advisable, for the benefit^t of that country, first of all, to facilitate emigration to New Netherland, as had been done a long time since; or at least to credit the passengers for a time, in order to allure colonists thither, and afterward to introduce a goodly portion of farm servants and negroes into that country. By whose labor, agriculture would be so much promoted, that a great quantity of provisions could be exported thence to Brazil.

And for the advancement of the cultivation of land there,* it would not be unwise~~to~~ allow at request of the Patroons, Colonists and other farmers, the introduction, from Brazil there, of as many Negroes as they would be disposed to pay for at a fair price; which Negroes would accomplish more work for their masters, and at a less expense, than farm servants, who must be bribed to go thither by a great deal of money and promises".

*Island of Manhattes.

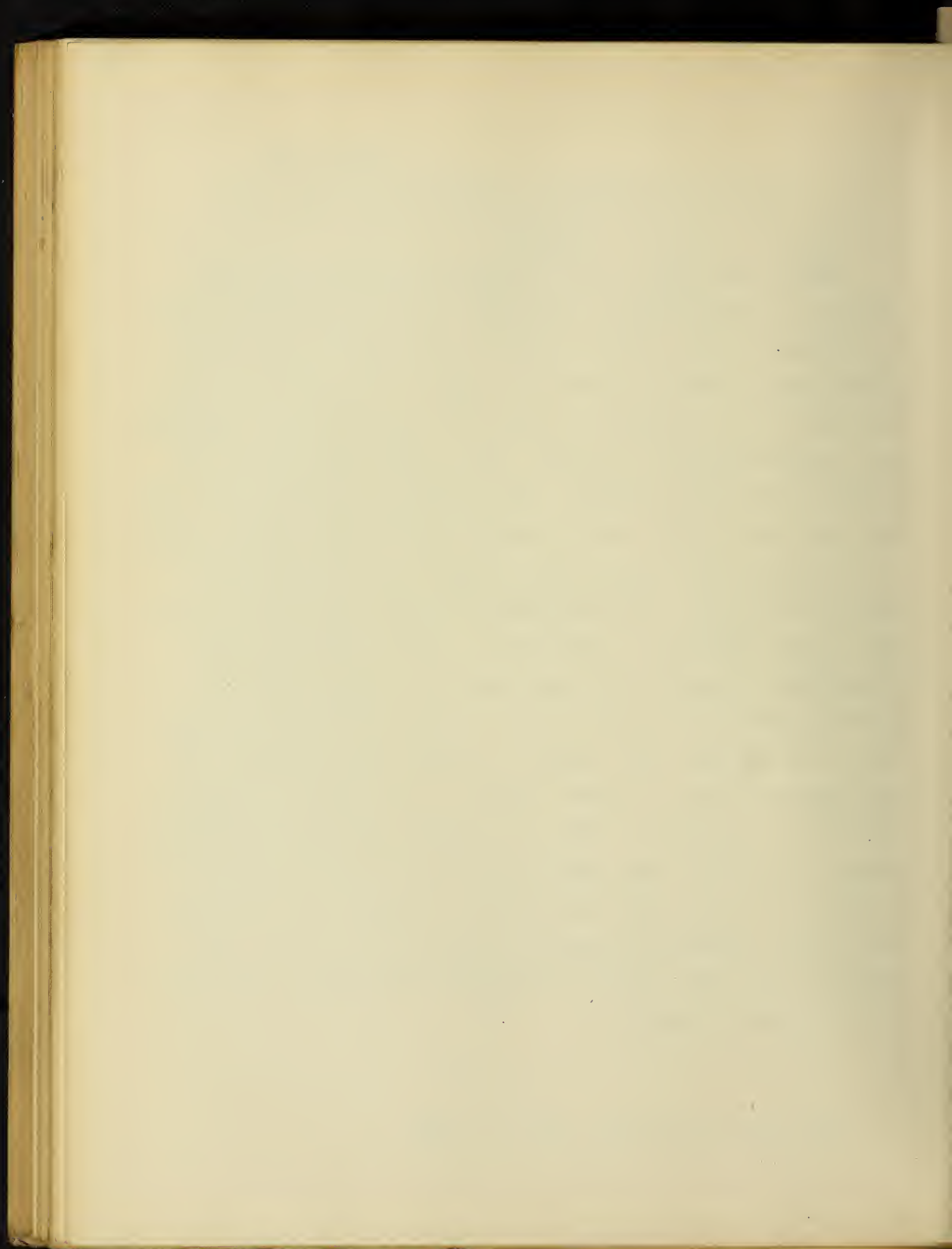
Doc. rel. to Col. Hist. of N. Y. I, 152.



May 27 1647.

Advice of the Chamber of Accounts of the West India
Company.

"With a view, then, to give greater encouragement to agriculture, and consequently to population, we should consider it highly advantageous that a way be opened to allow them to export their produce even to Brazil, in their own vessels, under certain duties, and subject to the supervision both of the Director in New Netherland and the Supreme Council in Brazil; and to trade it off there, and to carry slaves back in return; which privilege of sailing with their own ships from New Netherland to Brazil, should be exclusively allowed to Patroons and Colonists, who promote the population in New Netherland, and not to the interlopers, who only carry goods to and fro, without attending to agriculture. By this means not only would Brazil be supplied with provisions at a cheaper rate, but New Netherland would by slave labor, be more extensively cultivated than it has hitherto been, because the agricultural laborers, who are conveyed thither at a great expense to the Colonists, sooner or later apply themselves to trade, and neglect agriculture altogether. Slaves, on the other hand, being brought and maintained there at a cheap rate, various other descriptions of produce would be raised, and by their abundance be reduced in price, so as to allow, when occasion would offer, of their advantageous exportation hither and to other parts of Europe".



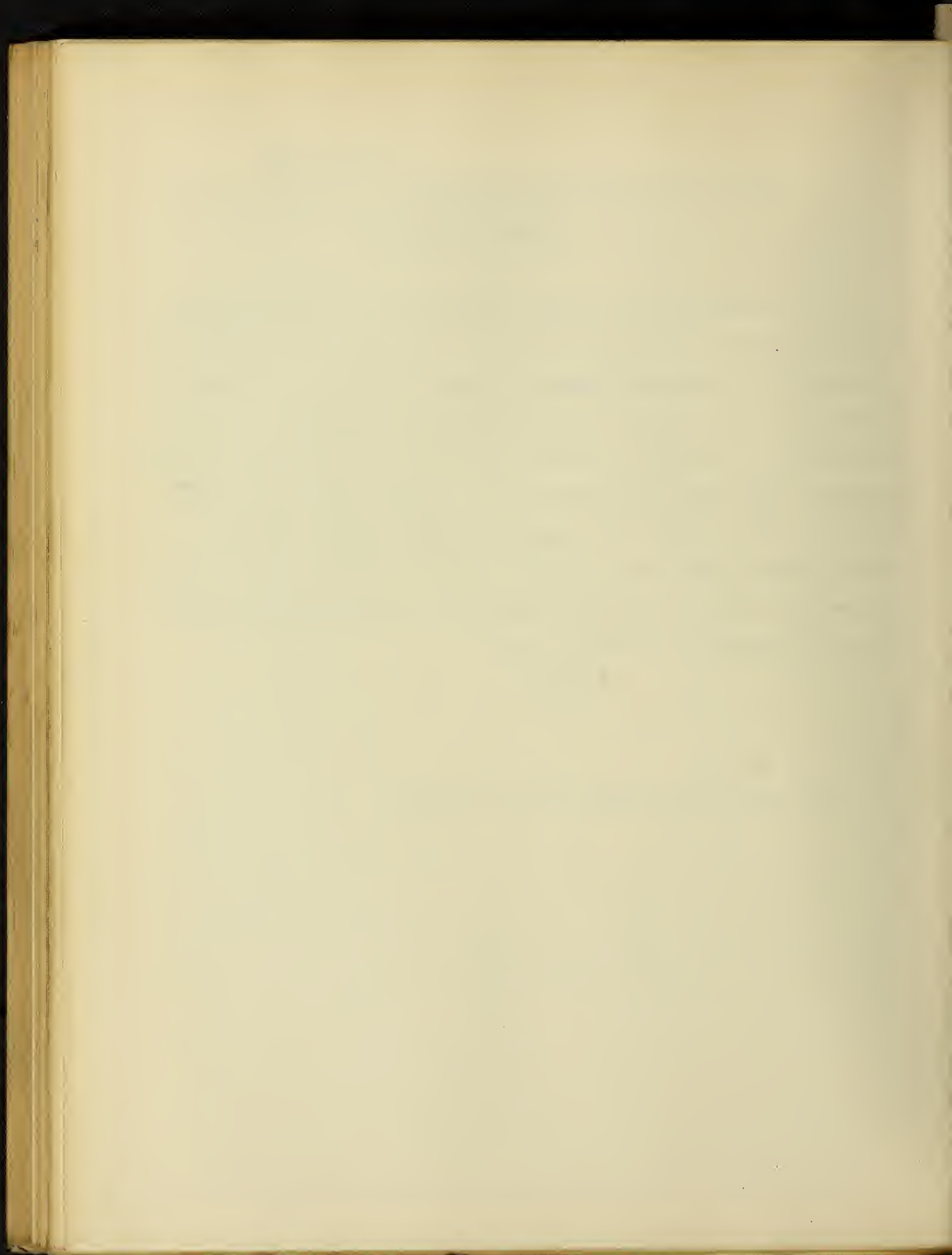
Jan, 20 1648.

Resolutions of the States General on the opening of Trade
in New Netherland.

" It is resolved that private inhabitants of New Netherland * shall be allowed to export their country produce under suitable duty in their own or chartered ships, to Brazil and Angola, on these following conditions: first, that the aforesaid ships, when in Brazil, shall not be at liberty to return back with sugars to New Netherland aforesaid, but shall let themselves be chartered directly hither.* Secondly, that the permit to proceed to Angola above mentioned, shall only be provisionally granted, and that for the time that the dispensation shall continue in regard to the exportation of Slaves, which was accorded on Thursday last".

*Holland.

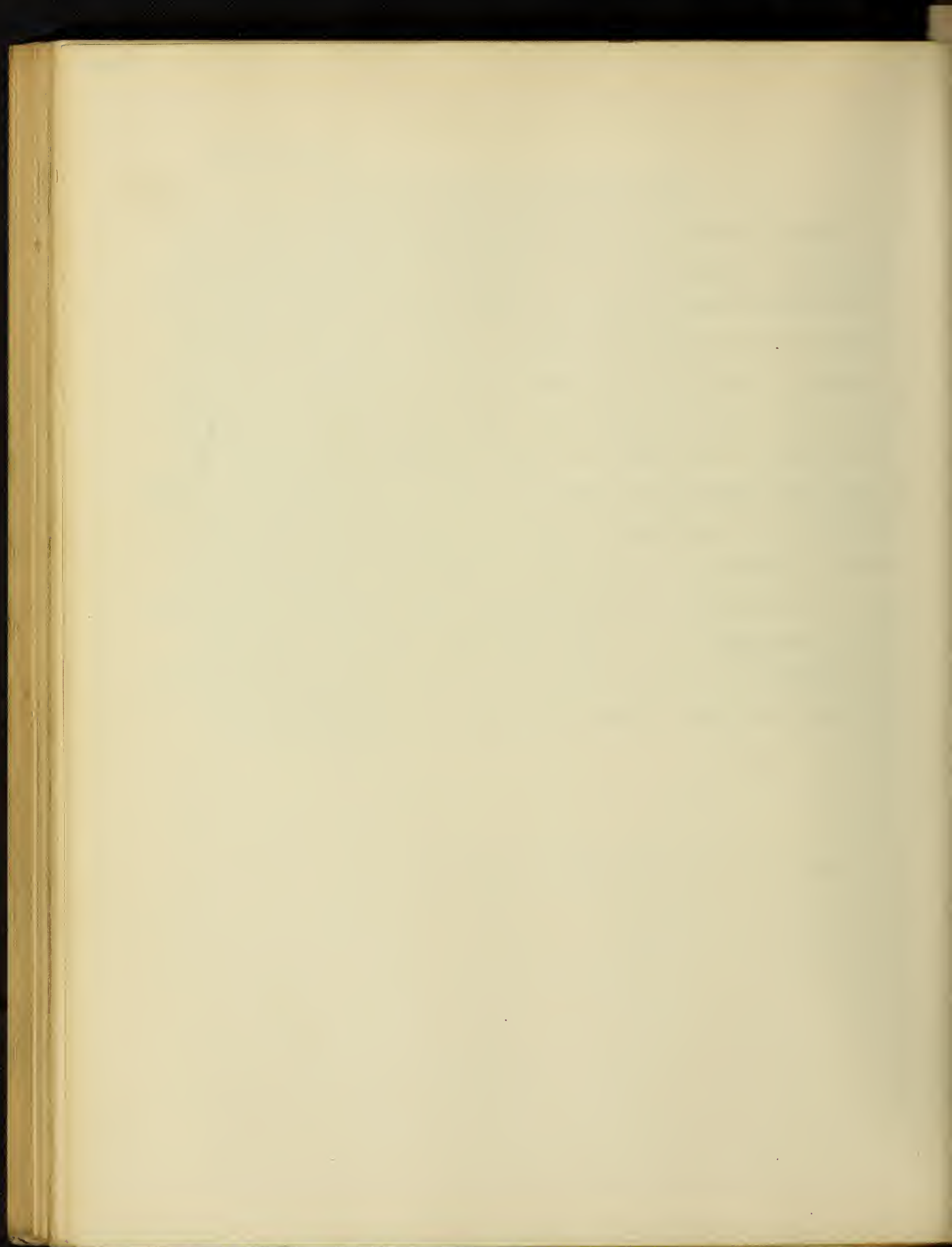
Doc. rel. to Col. Hist. of N. Y. I, 215.



Feb. 10 1648.

Resolutions of the States General.

"New Netherland can never be a source of profit for the Company, until the population from our country be encouraged more than it has hitherto been, which can be effected by allowing them, in addition to their present privilege, to export their fish, flour and produce, the growth of that country and no other to Brazil, in private or the Company's ships, under the supervision of a commissary, to be placed by the Company on board the ships, on the usual Brazilian duty payable at the Reciff to those of the Company who are ^{to} be ordered to allow the said goods to be disposed of there, and in return to export, at certain duty, from Brazil to New Netherland, and not elsewhere, as much merchandise, such as Slaves, by direction of the government, so that the sugar trade may not by that means, be diverted. it being well understood that in loading and unloading, they shall be bound to bring the goods to the Company's store".



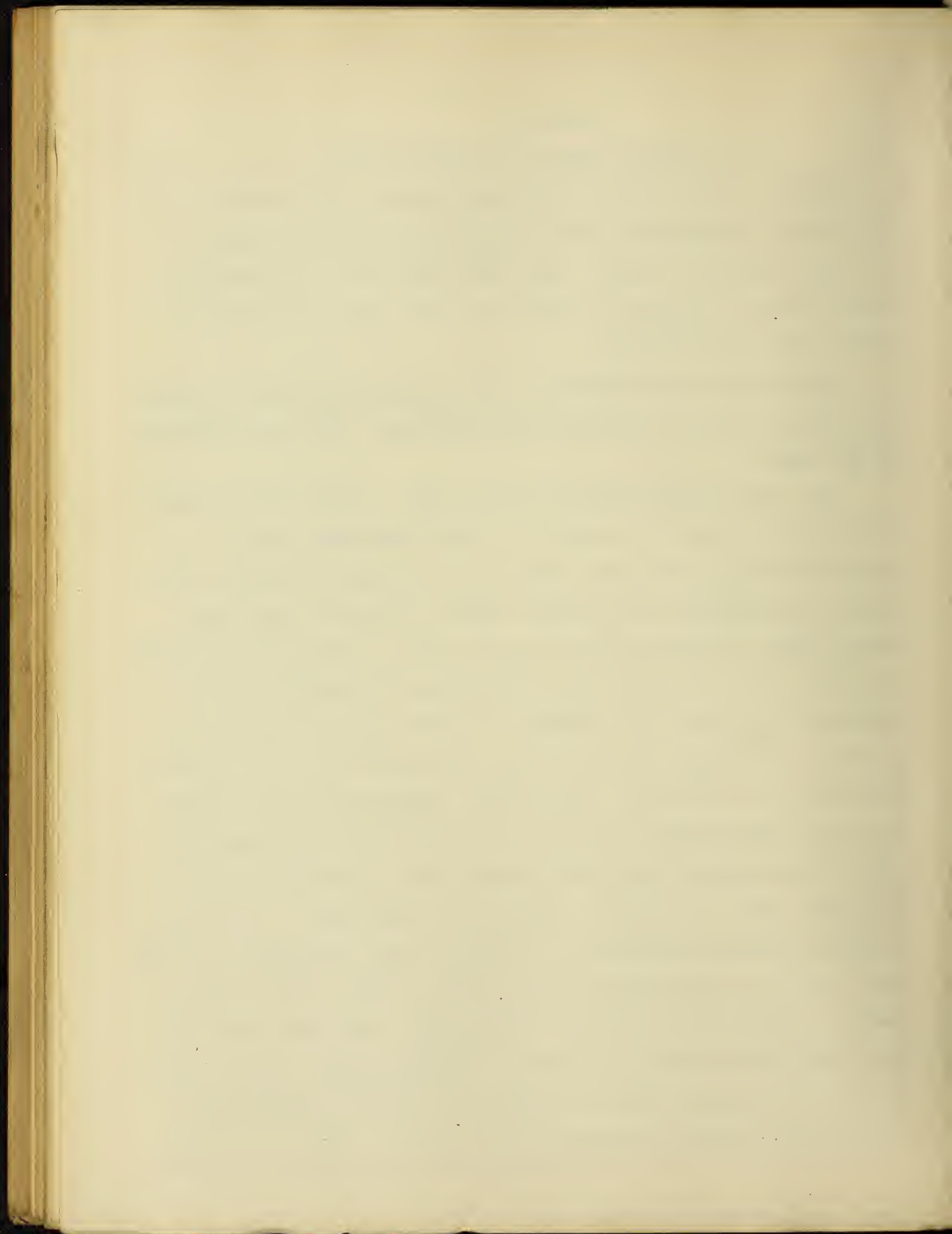
"Chapter 8.

An Act against receiving of stol'n goods.

Whereas divers lewd and evilminded persons, for the sake of filthy lucre, do frequently receive from Indians, molatto's, negro's and other suspected persons, money and goods stol'n or obtained by other indirect and unlawful wayes and means, thereby encouraging of theft; for redress whereof, -

Be it declared and enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

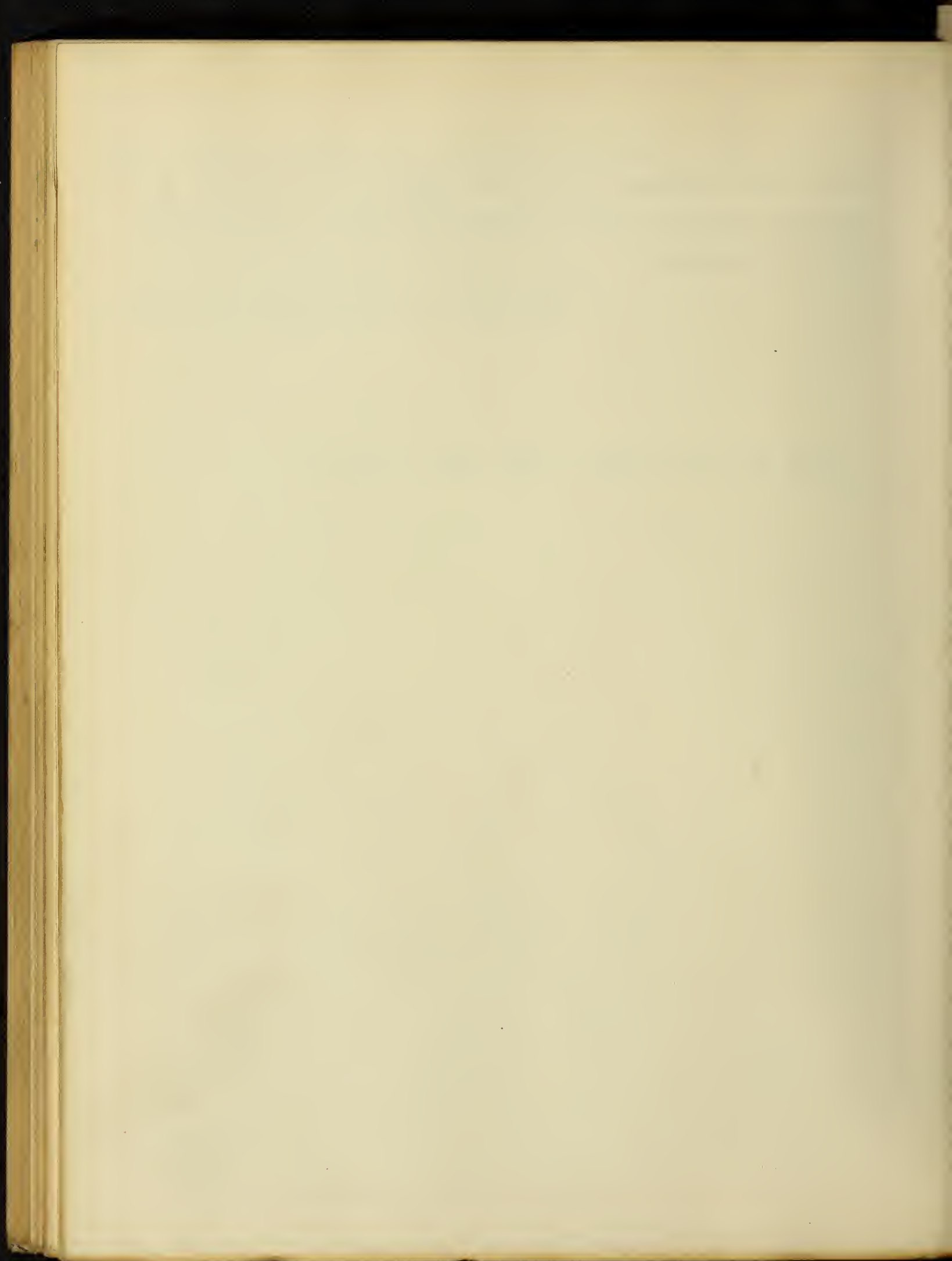
That every person whomsoever which shall presume, either openly or privately, to buy or receive of or from any Indian, molatto, or negro servant or slave, or of other known dissolute, lewd and disorderly person of whom there is just cause of suspicion, any money, goods, wares, merchandizes or provisions, and it appear the same money, goods, wares, merchandizes or provisions to have been stol'n, gotten or obtained by any indirect or unlawful ways or means, every person so offending, and being thereof convicted, shall be sentenced to restore all such money, goods, wares, merchandizes or provisions unto the party injured, in specie (if not altered), and also forfeit to the said party the value thereof over and above, or double the value where the same are disposed of or made away. And if the person so offending be unable, or shall not make restitution as awarded, then to be openly whip't with so many stripes, not exceeding twenty, as the justice or court that may have cognizance shall order; or to make satisfaction by service. And the Indian, negro, molatto or other suspicious person as afore said, of or from whom such money, goods, wares, merchandizes or provisions, shall be received



84.
or bought, shall be punished by whipping, not exceeding twenty stripes, and be further prosecuted as the law directs in case of theft; unless where such money, goods, or provisions shall be taken from the master of such person.

(Passed June 13; published June 27". (1698).

Acts and Res. of Prov. of Mass. Bay, I, 325.



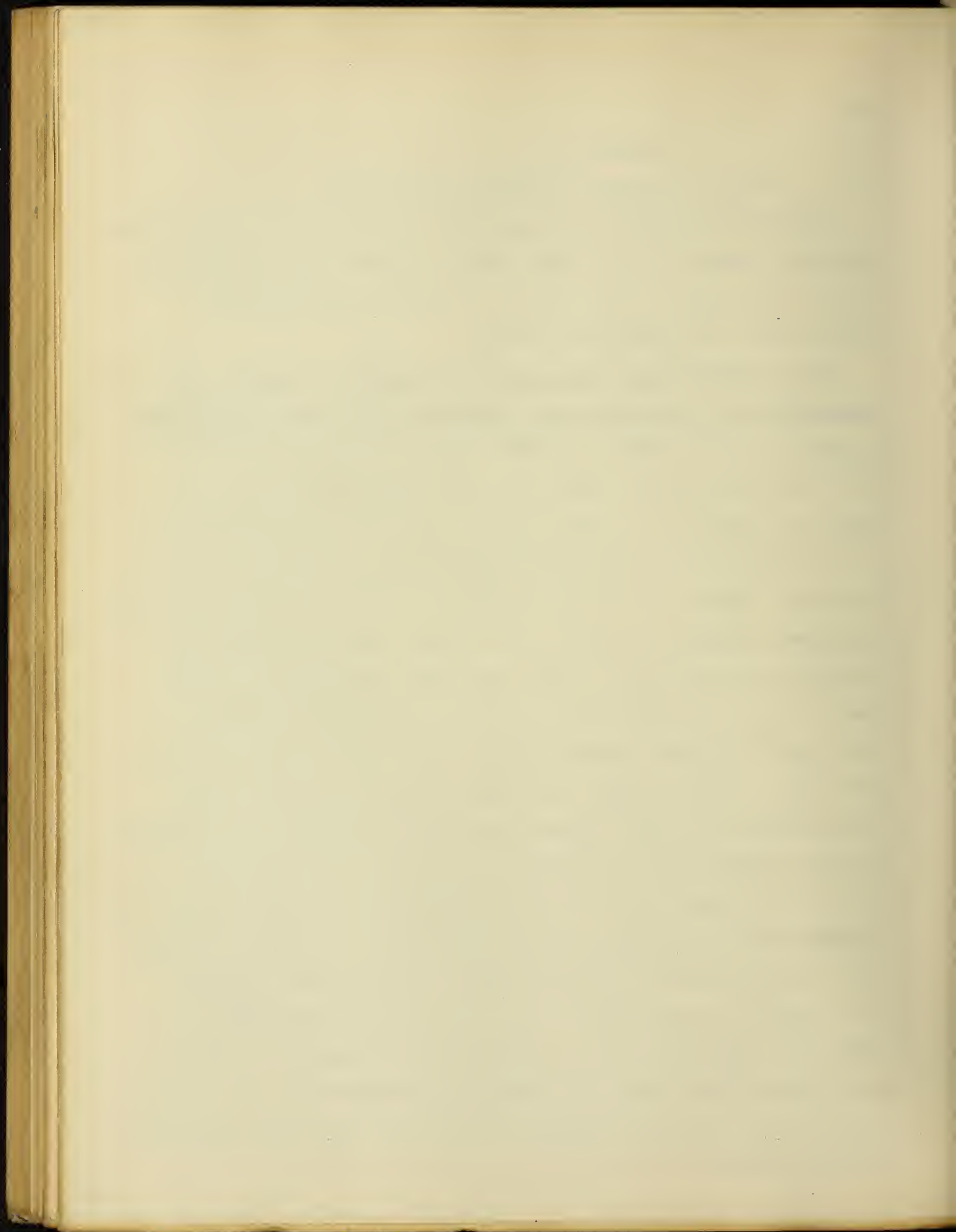
1703.

Chapter 11.

An Act to prevent disorders in the night.

Whereas great disorders, insolencies and burglaries, are ofttimes raised and committed in the night time by Indian, negro and molatto servants and slaves, to the disquiet and hurt of her majesty's good subjects; for prevention whereof, -

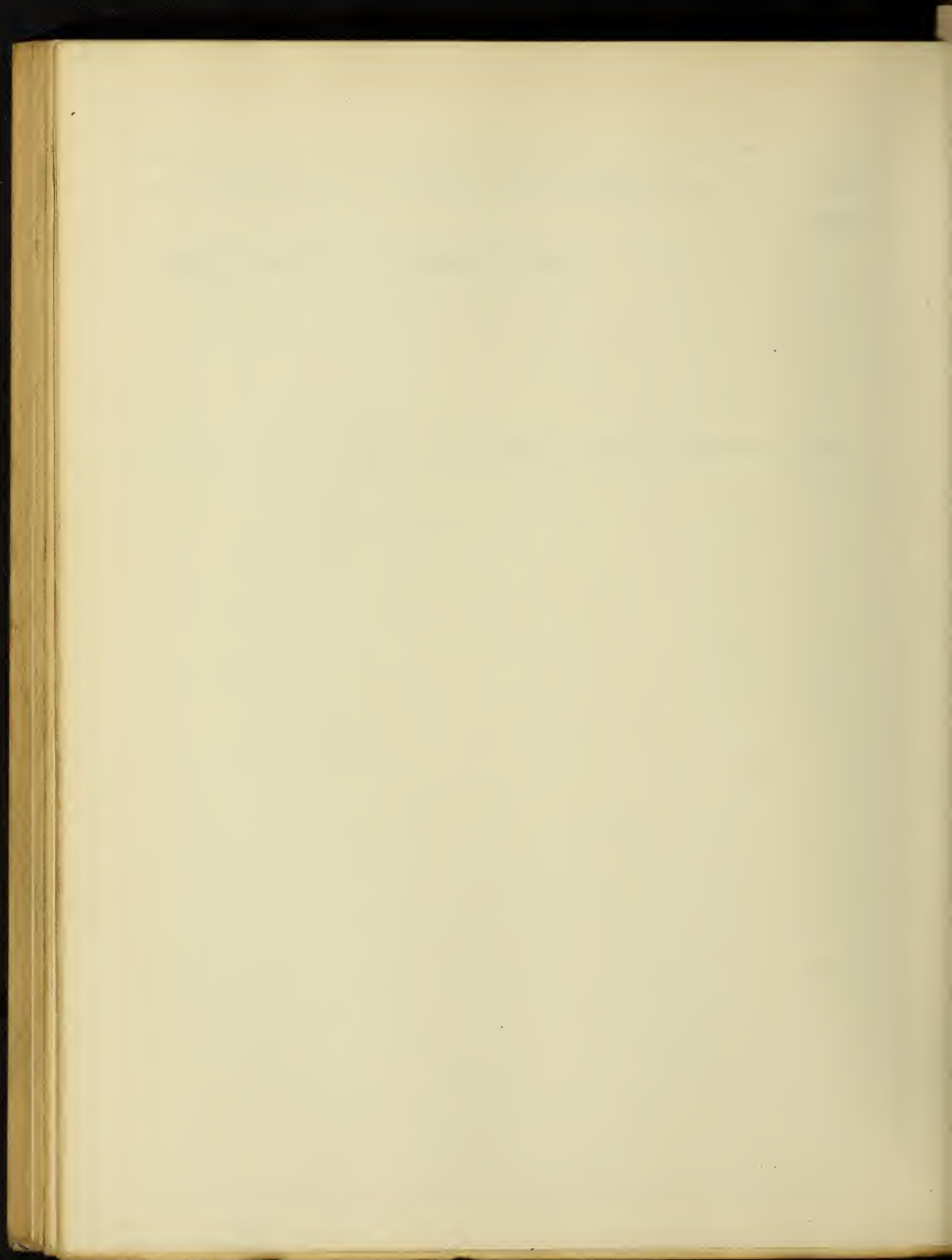
Be it enacted by His Excellency the Governour, Council, and Representatives in General Court Assembled, and by the authority of the same, (Sect. 1.) That no Indian, negro or molatto servant, or slave, may presume to be absent from the families whereto they respectively belong, or be found abroad in the night time, after nine a clock, unless it be upon some errand for their respective masters or owners. (Sect. 2.) And all justices of the peace, constables, tythingmen, watchmen, and other her majesty's good subjects, being householders within the same town, are hereby respectively impowered to take up and apprehend, or cause to be apprehended, any Indian, negro or molatto servant or slave that shall be found abroad after nine a clock at night, and shall not give a full and satisfactory account of their business, make any disturbance, or otherwise misbehave themselves, and forthwith convey them before the next justice of the peace (if it be not overlate in the night), or to restrain them in the common prison; watchhouse or constable's house, until the morning, and then cause them to appear before a justice of the peace, who shall order them to the house of correction, to receive the discipline of the house and then be dismiss'd, unless they be charged with any other offence than absence from the families whereto they respectively belong, without leave from their respective



masters or owners; and in such towns where there is no house of correction, to be openly whip'd by the constable, not exceeding ten x stripes.

(Passed December 1; published December 3".

Acts and Res. of Prov. of Mass Bay, I, 535.



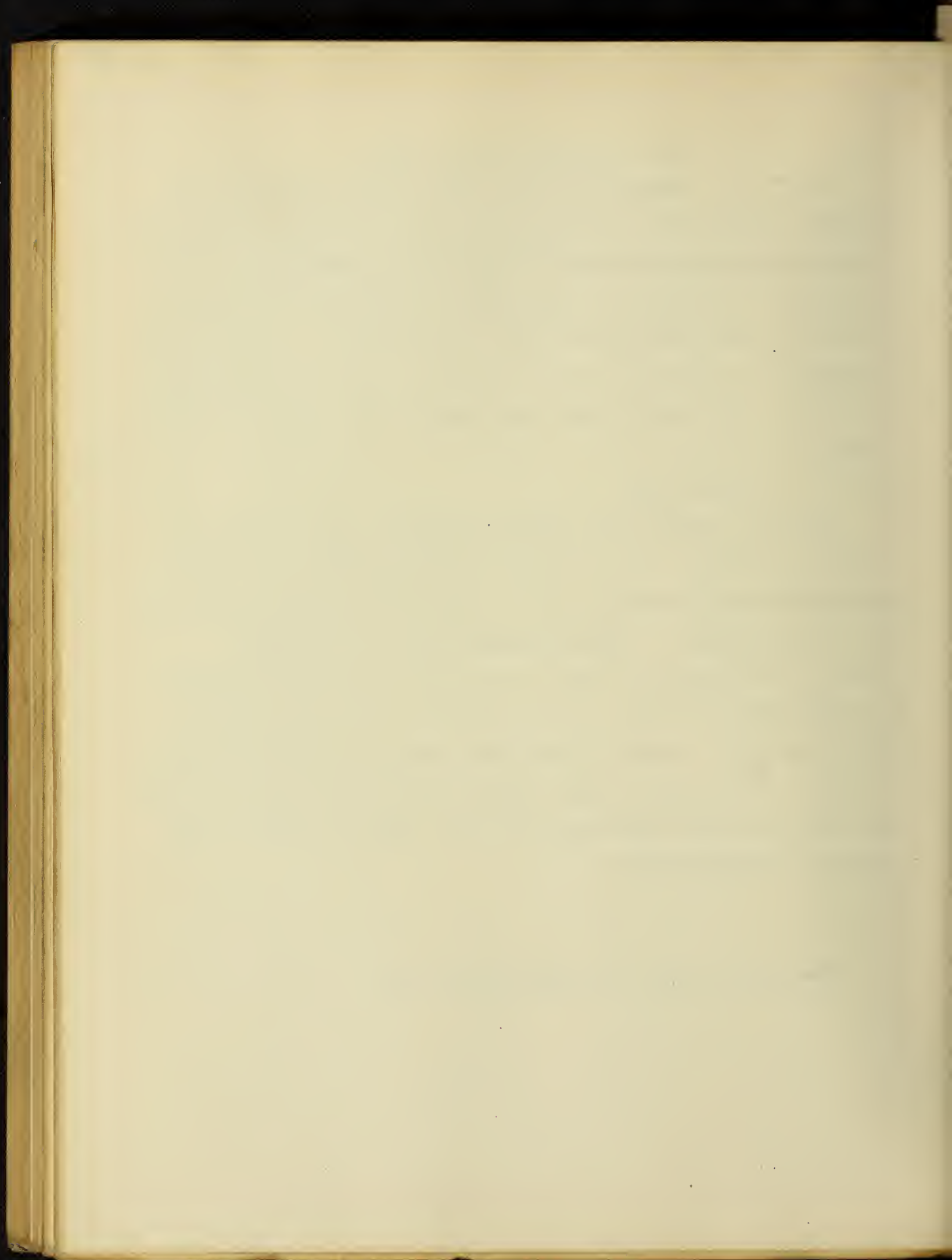
Diary of Samuel Sewall. 1705.

"Dec^r. 1. Deputies send in a Bill against fornication or Marriage of White Men with Negros or Indians; with extraordinary penalties, directing the Secretary to draw a Bill accordingly. If it be pass'd, I fear twill be an Oppression provoking to God, and that which will promote Murders and other Abominations. I have got the Indians out of the Bill, and some mitigation for them, (the negroes) left in it, and a clause about their Masters not denying their Marriage.

Editor's note.

The act to which Sewall refers was passed, and is Chapter 10 of Acts of 1705-6. By it fornication between whites and blacks or mulattoes was forbidden, and the colored offender was to be sold out of the province. Marriage between them was forbidden. A duty of four pounds per head was laid upon all negroes imported by vessel into the Colony, with a drawback if they were exported within one year. Sewall's benevolent clause is the fifth section. It reads: "And no master shall unreasonably deny marriage to his negro with one of the same nation, any law, usage, or custom to the contrary notwithstanding'."

Mass. Hist. Coll., VI, Fifth Series, 143.



"In 1706, an essay or 'Computation that the Importation of Negroes is not so profitable as that of White Servants', was published in Boston, which may properly be reproduced here. It was the first newspaper article against the importation of negroes published in America, and appeared in the Boston News-Letter, No. 112, June 10, 1706. We are inclined to attribute this article also to Judge Sewall.

'By last Year's Bill of Mortality for the Town of Boston, in Number 100 News-Letter, we are furnished with a List of 44 Negroes dead last year, which being computed one with another at 30 l. per Head, amounts to the Sum of One Thousand three hundred and Twenty Pounds, of which we would make this Remark: That the Importing of Negroes into this or the Neighboring Provinces is not so beneficial either to the Crown or Country, as White Servants would be.

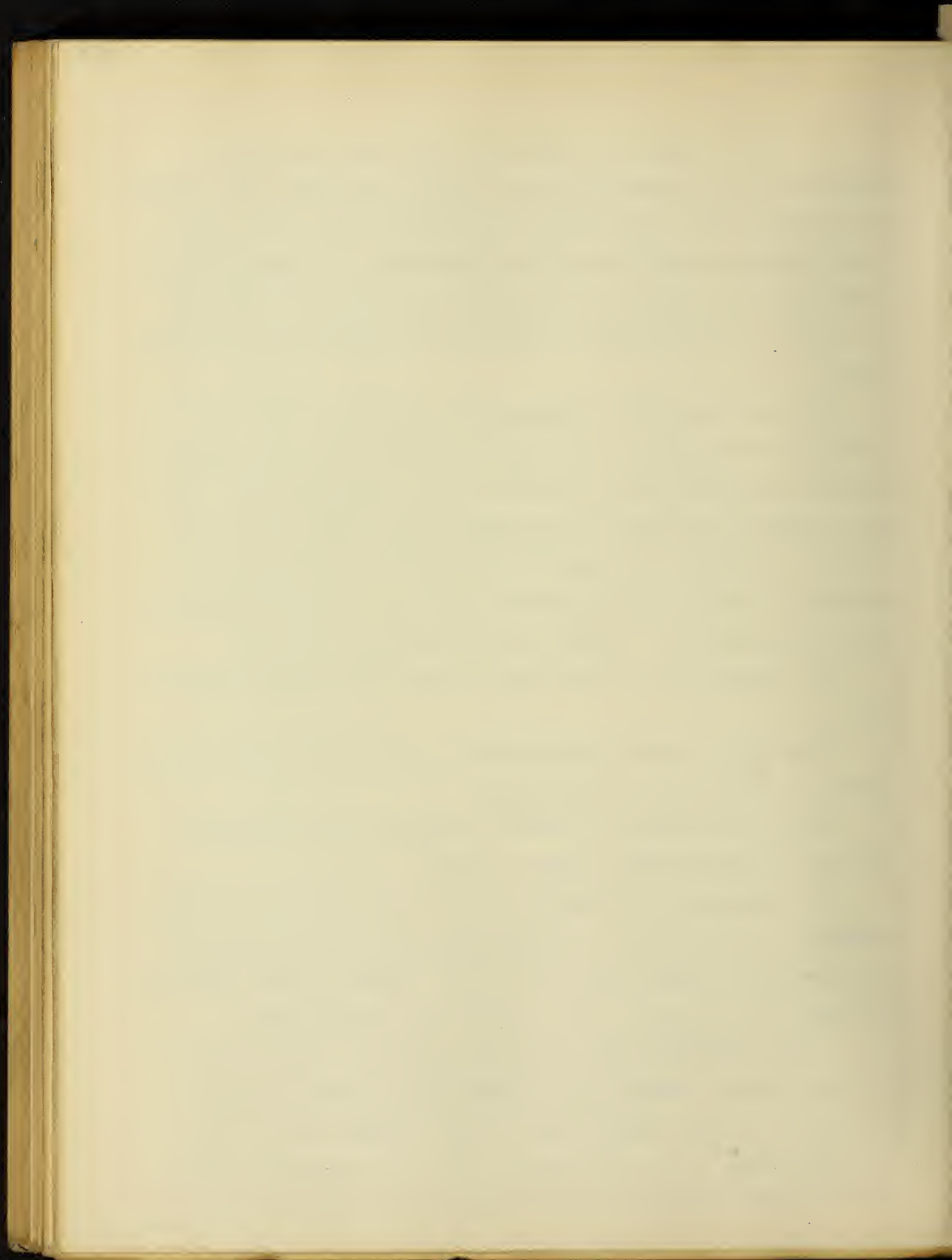
'For Negroes do not carry Arms to defend the Country as Whites do.

'Negroes are generally Eye-Servants, great Thieves, much addicted to Stealing, Lying and Purloining.

'They do not People our Country as Whites would do whereby we should be strengthened against an Enemy.

'By Encouraging the Importing of White Men Servants, allowing somewhat to the Importer, most Husbandmen in the Country might be furnished with Servants for 8, 9, or 10 l. a Head, who are not able to launch out 40 or 50 l. for a Negro the now common Price.

'A Man then might buy a White Man Servant we suppose for 10 l. to serve 4 years, and Boys for the same price to Serve 6, 8, or 10 years; If a White Servant die, the Loss exceeds not 10 l. but if a Negro dies, 'tis a very great loss to the Husband^{an}; Three years Interest of the price of the Negro, would near upon if not



altogether purchase a white Man Servant.

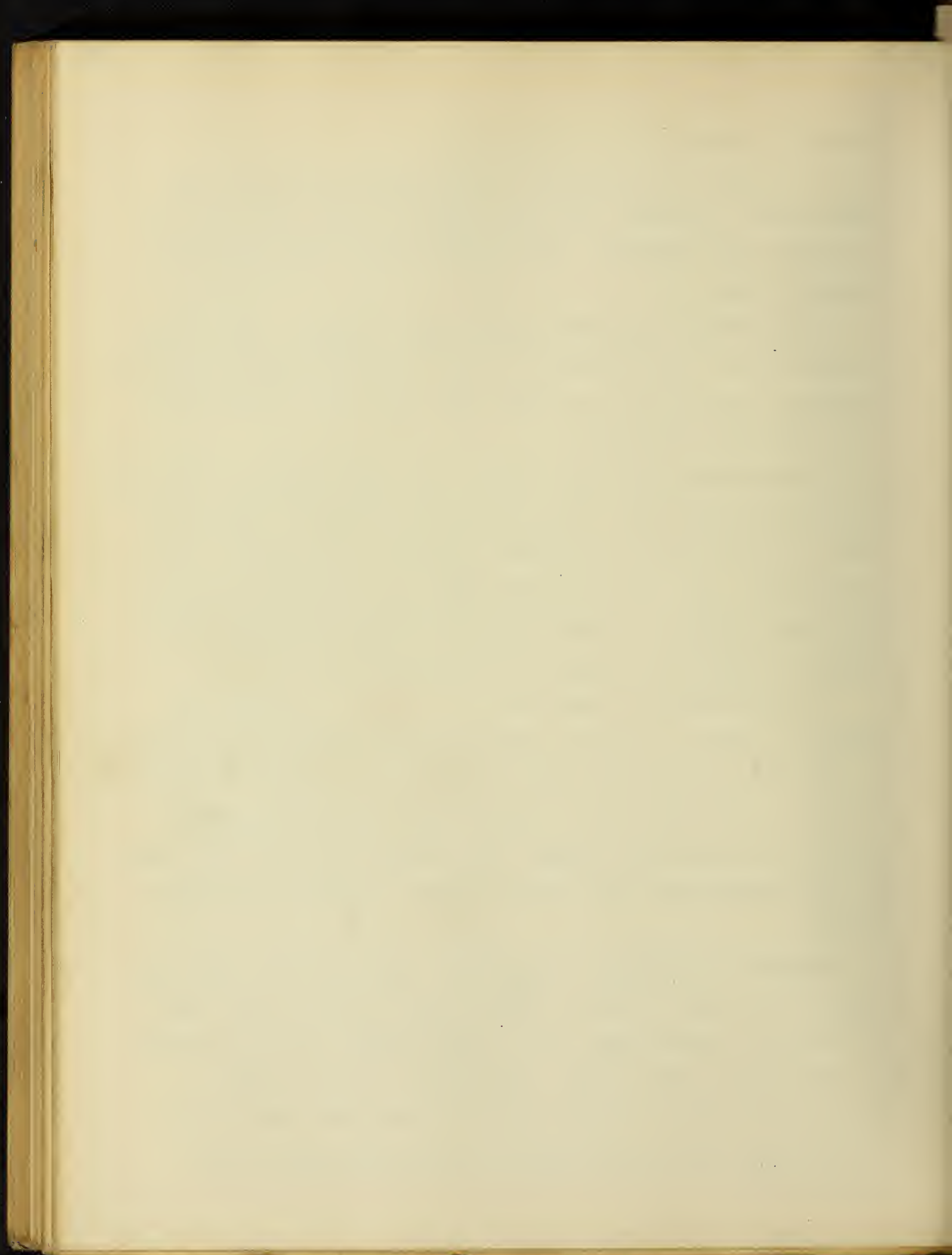
'If Necessity call for it, that the Husbandman must fit out a Man against the Enemy; if he has a Negro he cannot send him, but if he has a White Servant, 'twill answer the end and perhaps save his son at home.

'Were Merchants and Masters Encouraged as already said to bring in Men Servants, there needed not be such Complaint against Superiors Impresssing our Children to the War, there would then be Men enough to be had without Impresssing.

'The bringing in of such Servants would much enrich this Province because Husbandmen would not only be able far better to manure what Lands are already under Improvement, but would also improve a great deal more that now lyes waste under Woods, and enable this Province to set about raising of Naval Stores, which would be greatly advantageous to the Crown of England. and this Province.

'For the raising of Hemp here, so as to furnish Sail-cloth and Cordage to furnish but our own shipping, would hinder the Importing it, and save a considerable sum in a year to make Returns for which we now do, and in time might be capacitated to furnish England not only with Sail-cloth and Cordage, but likewise with Pitch, Tar, Hemp, and other Stores which they are now obliged to purchase in Foreign Nations.

'Suppose the Government there should allow Forty Shillings per head for five years, to such as ^{sh}ould Import every of these years 100 White Men Servants, and each to serve 4 years, the cost would be but two hundred pounds a year, and a 1000 l. for the 5 years. The first 100 Servants, being free the 4th year they serve the 5th year for Wages, and the 6th there is 100 that goes out into the



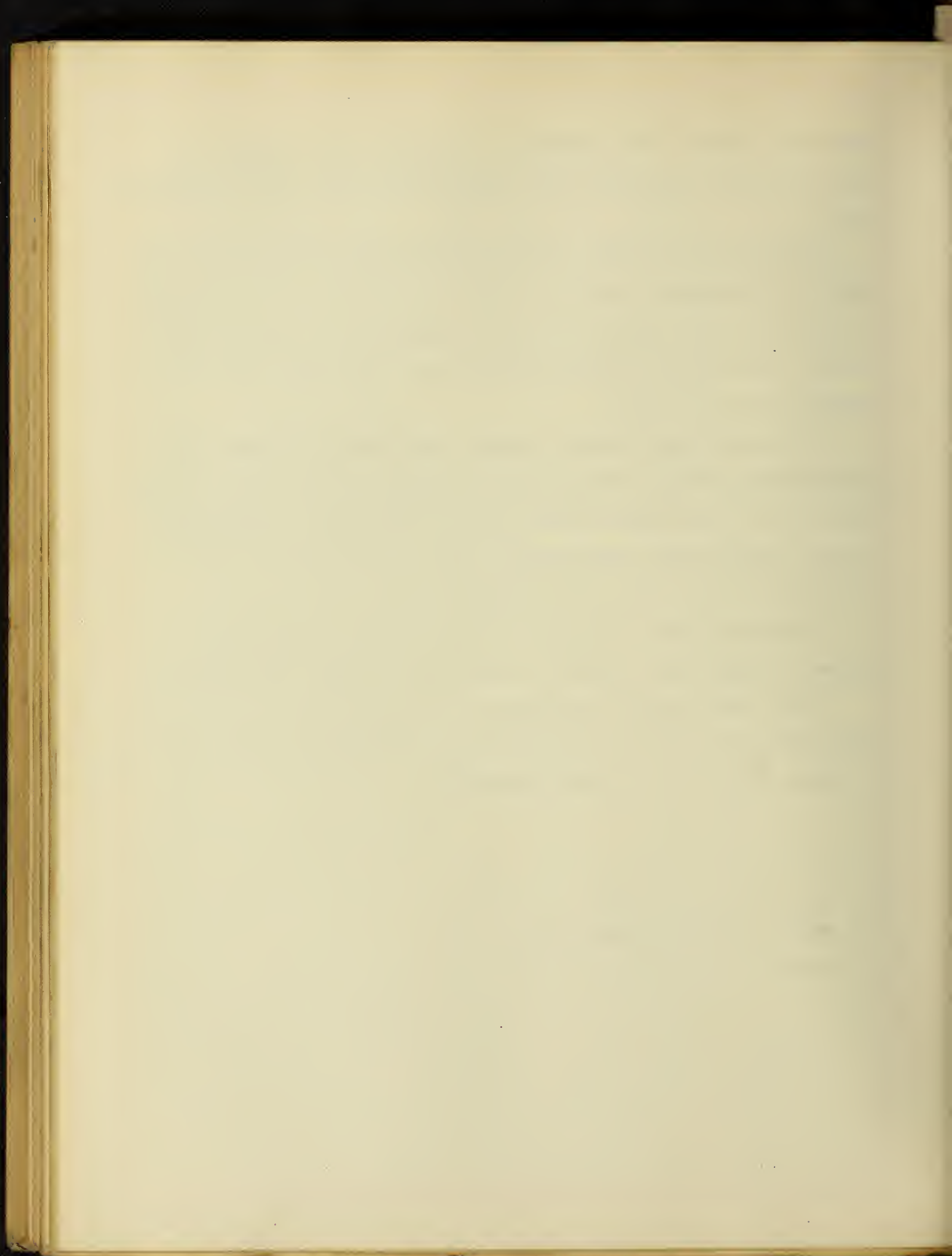
Woods, and settles a 100 Families to Strengthen and Baracado us from the Indians, and also a 100 Families more every year successively.

'And here you see that in one year the Town of Boston has lost 1320 l. by 44 Negroes, which is also a loss to the Country in general, and for a less loss (if it may be improperly be scalled) for a 1000 l. the Country may have 500 Men in 5 years time for the 44 Negroes dead in one year.

' A certain person within these 6 years had two Negroes dead computed both at 60 l. which would have procured him six White Servants at 10 l. per head to have served 24 years at 4 years apiece, without running such a great risque, and the Whites would have strengthened the Country, that Negroes do not.

' 'Twould do well that none of those Servants be liable to be Impressed during their Service of Agreement at their first Landing.

' That such Servants being Sold or Transported out of this Province during the time of their Service, the Person that buys them be liable to pay 3 l. into the Treasury".



"An Act t o encourage the baptizing of Negro, Indian, and Mulatto Slaves.

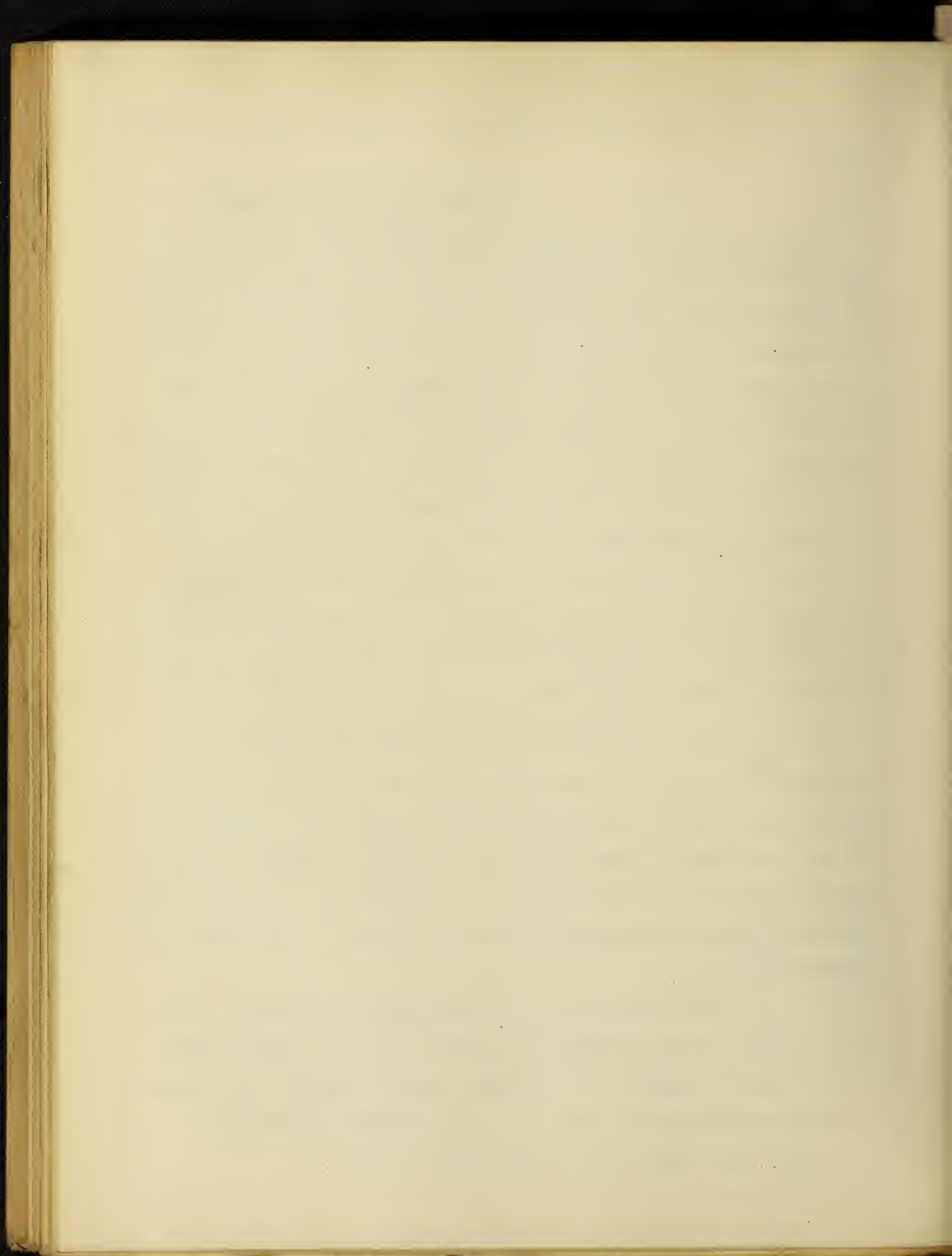
Pass'd the 24th of October, 1706.

Whereas divers of her Majesty's good Subjects, Inhabitants of this Colony, now are, and have been willing, that such Negro, Indian, and Mulatto Slaves, who belong to them. and desire the same, should be baptized; but are deterred and hindered therefrom, by Reason of a groundless Opinion that hath spread itself in this Colony that, by the baptizing of such Negro, Indian, or Mulatto Slave, they would become free, and ought to be set at Liberty. In order, therefore, to put an End to all such Doubts and Seruples as have, or hereafter, at any Time, may arise about the same,

I. Be it Enacted by the Governor, Council, and Assembly, and it is hereby Enacted, by the Authority of the same, That the Baptizing of any Negro , Indian, or Mulatto Slave, shall not be any Cause or Reason for the setting them, or any of them, at Liberty.

II. And be it Declared and Enacted by the Governor, Council. and Assembly, and by the Authority of the Same, That all and every Negro, Indian, Mulatto, and Mestee Bastard-Child, and Children, who is, are, and shall be born of any Negro, Indian, Mulatto, or Mestee, shall follow the State and Co dition of the Mother, and be esteemed, reputed, taken, and adjudged a Slave and Slaves, to all Intents and Purposes whatsoever.

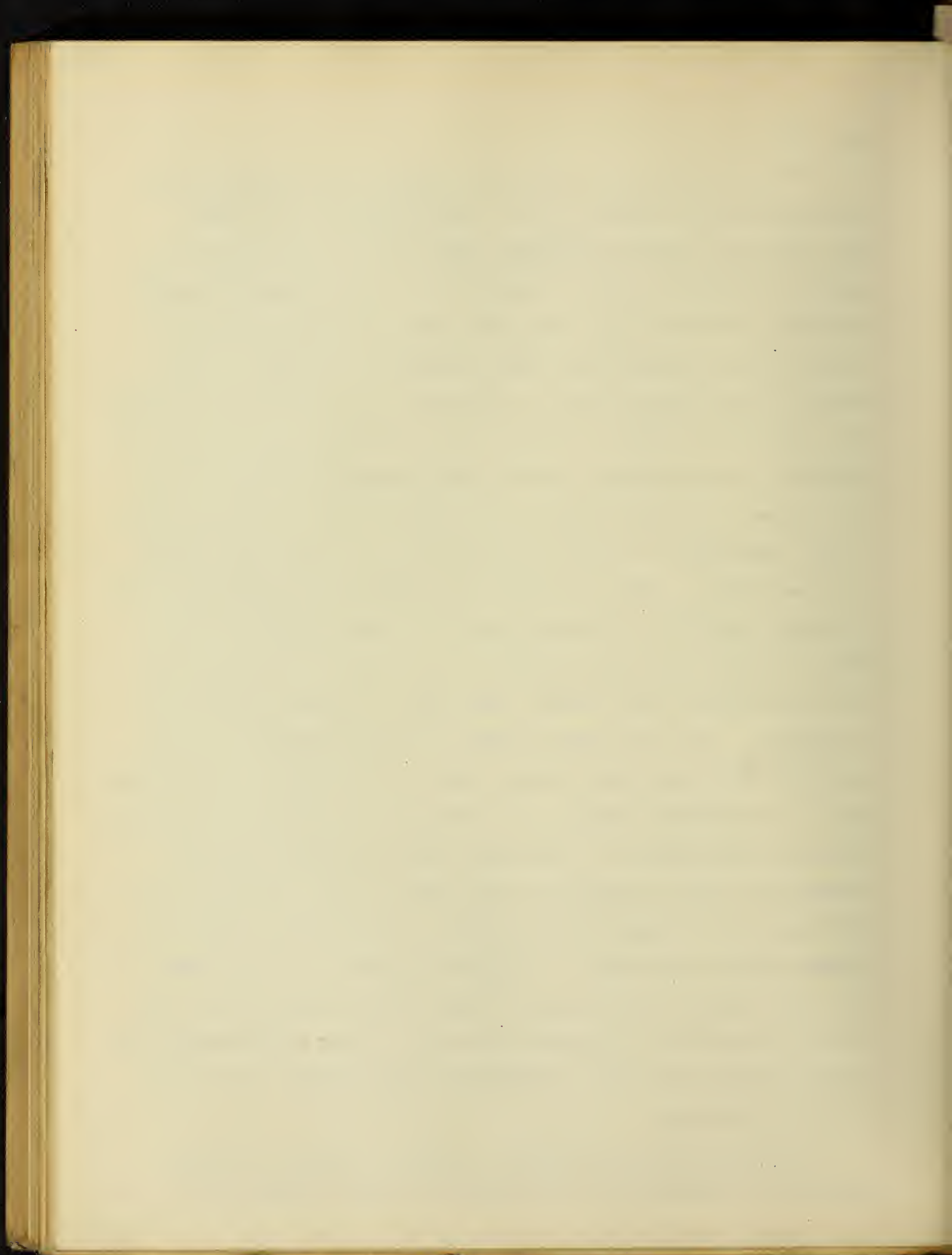
III. Provided always, and be it Declared and Enacted, by the said Authority, That no Slave, whatsoever, in this Colony, shall, at any Time, be admitted as a Witness for, or against, any Freeman, in any Case, Matter, or Cause, civil or criminal, whatsoever."



May 1708.

"Be it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authoritie of the same, That every free person whomsoever, which shall presume either openly or privately to buy or receive of or from any Indian, molatto or negro servant or slave, any goods, money, merchandize, wares, or provisions, without order from the master or mistress of such servant or slave, every person so offending and being thereof convicted, shall be sentenced to restore all such money, goods, wares, merchandizes, or provisions, unto the partie injured, in specie, (if not altered,) and also forfeit to the partie double the value thereof over and above, or treble the value where the same are disposed of or made away. And if the person so offending be unable, or shall not make restitution as awarded, then to be openly whipt with so many stripes(not exceeding twentie,) as the court or justices that have cognizance of such offense shall order, or make satisfaction by service. And the Indian, negro, or molatto servant or slave, of or from whom such goods, money, wares, merchandizes, or provisions shall be received or bought, if it appear to be stolen, or that shall steal any money, goods, or chattells, and be thereof convicted, although the buyer or receiver be not found, shall be punished by whipping, not exceeding thirtie stripes, and the money, goods, or chattells shall be restored to the partie injured, if it be found. And every assistant and justice of peace in the countie where such offence is committed, is hereby authorized to hear and determine all offenses against this law, provided the damage exceed not the sum of fortie shillings.

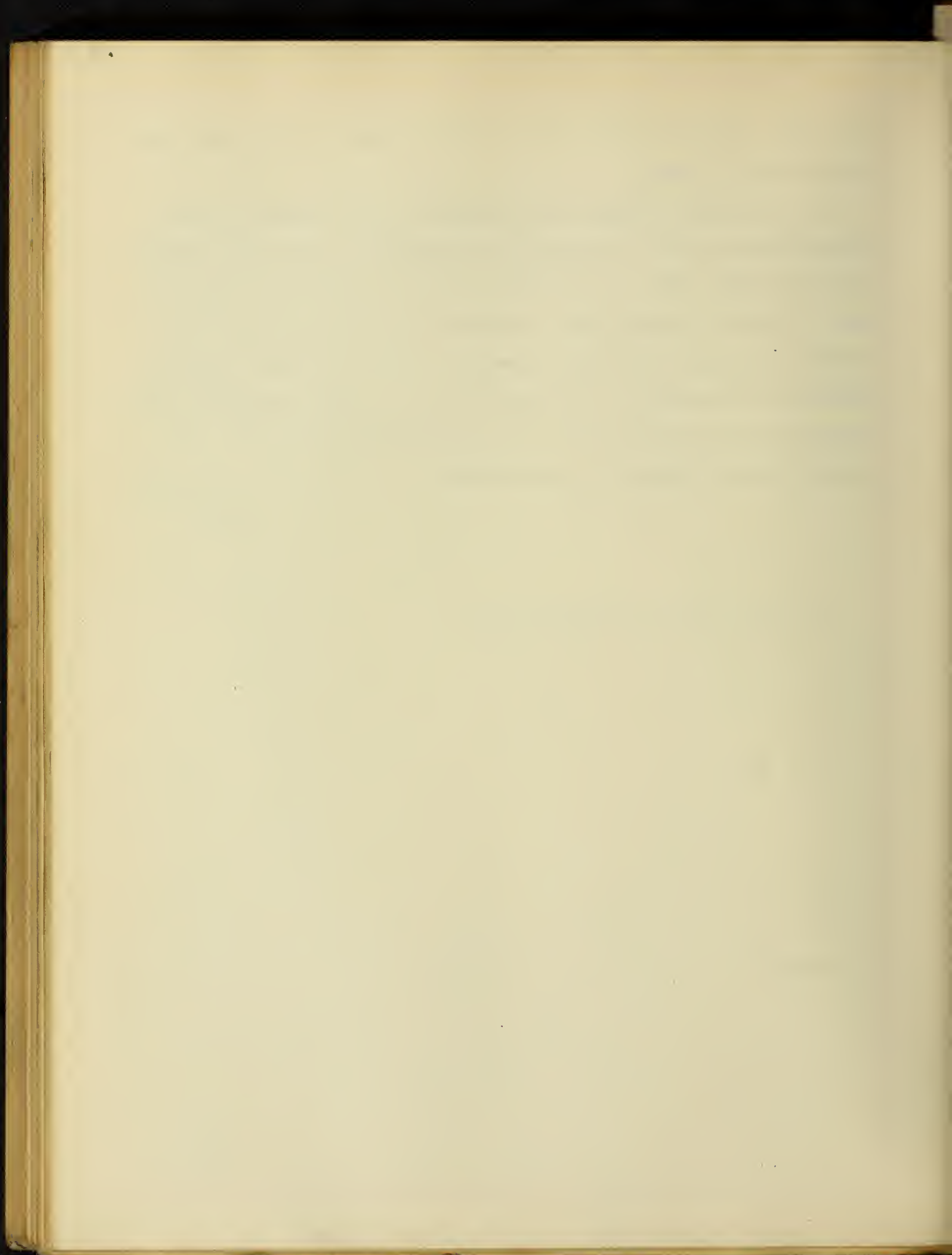
And whereas negro and molatto servants or slaves are become numerous in some parts of this Colonie, and are very apt to be



turbulent, and often quarreling with white people to the great disturbance of the peace:

It is therefore ordered and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if any negro or molatto servant or slave disturb the peace, or shall offer to strike any white person, and be thereof convicted, such negro or molatto servant or slave shall be punished by whipping, at the discretion of the court, assistant, or justice of the peace that shall have cognizance thereof, not exceeding thirtie stripes for one offence".

Col. Rec. of Conn. 1706-1716, 52.



"An Act for Suppressing of Immorality.

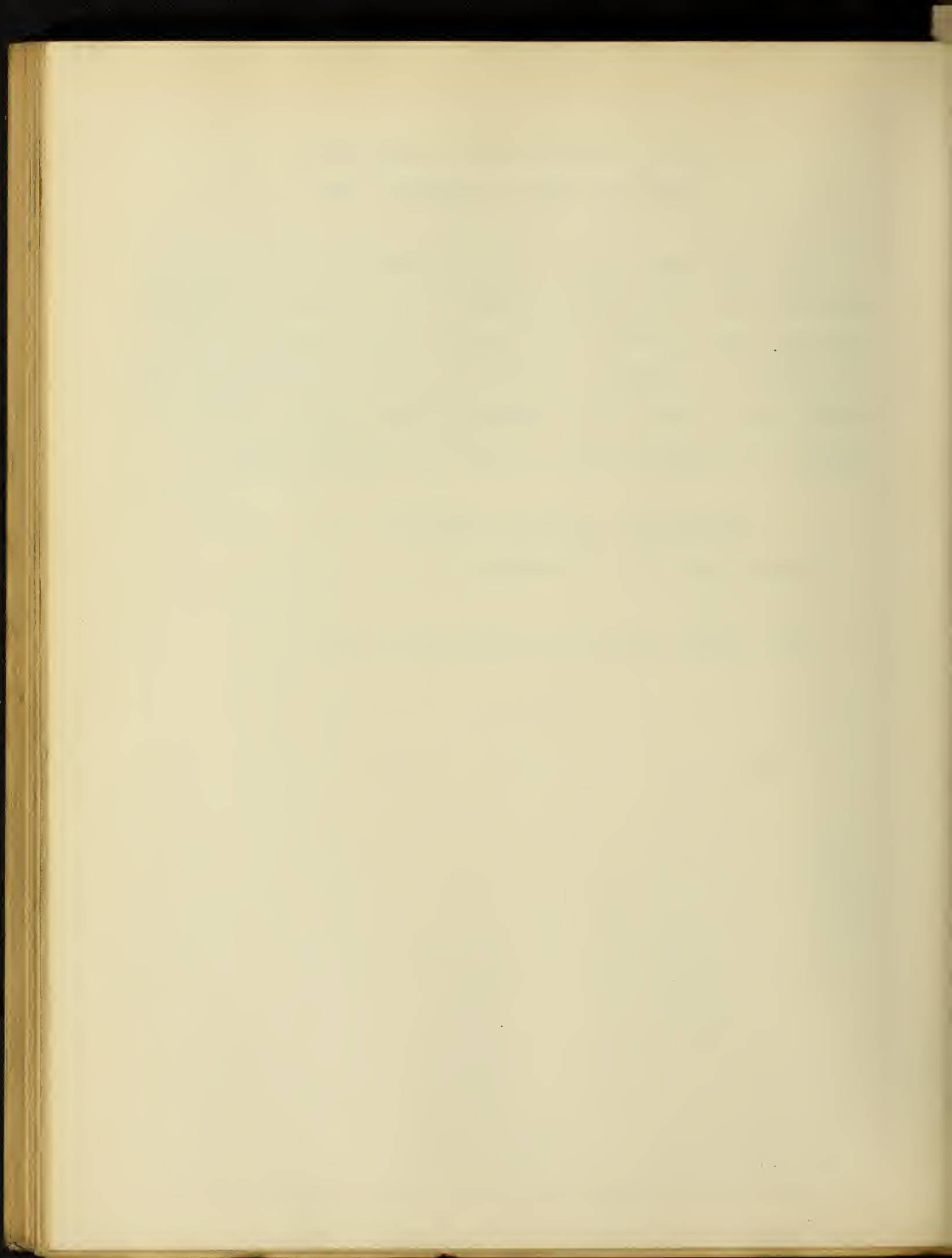
Pass'd the 18th of September, 1708.

And every Negro, Indian, or other Slaves that shall be found guilty of any of the abovesaid Facts, or talk impudently to any ~~Ex~~ Christian, shall suffer so many Stripes, at some publick Place, as the Justice of the Peace, in such Place, where such Offense is committed, shall think fit, not exceeding forty; any Law, Custom, or Usage to the contrary hereof, in any wise notwithstanding".

Drunkenness, cursing, or swearing.

Whites were fined, not whipped.

Chap. CLXXI, Laws of N. Y., 1691-1773, I, 72.

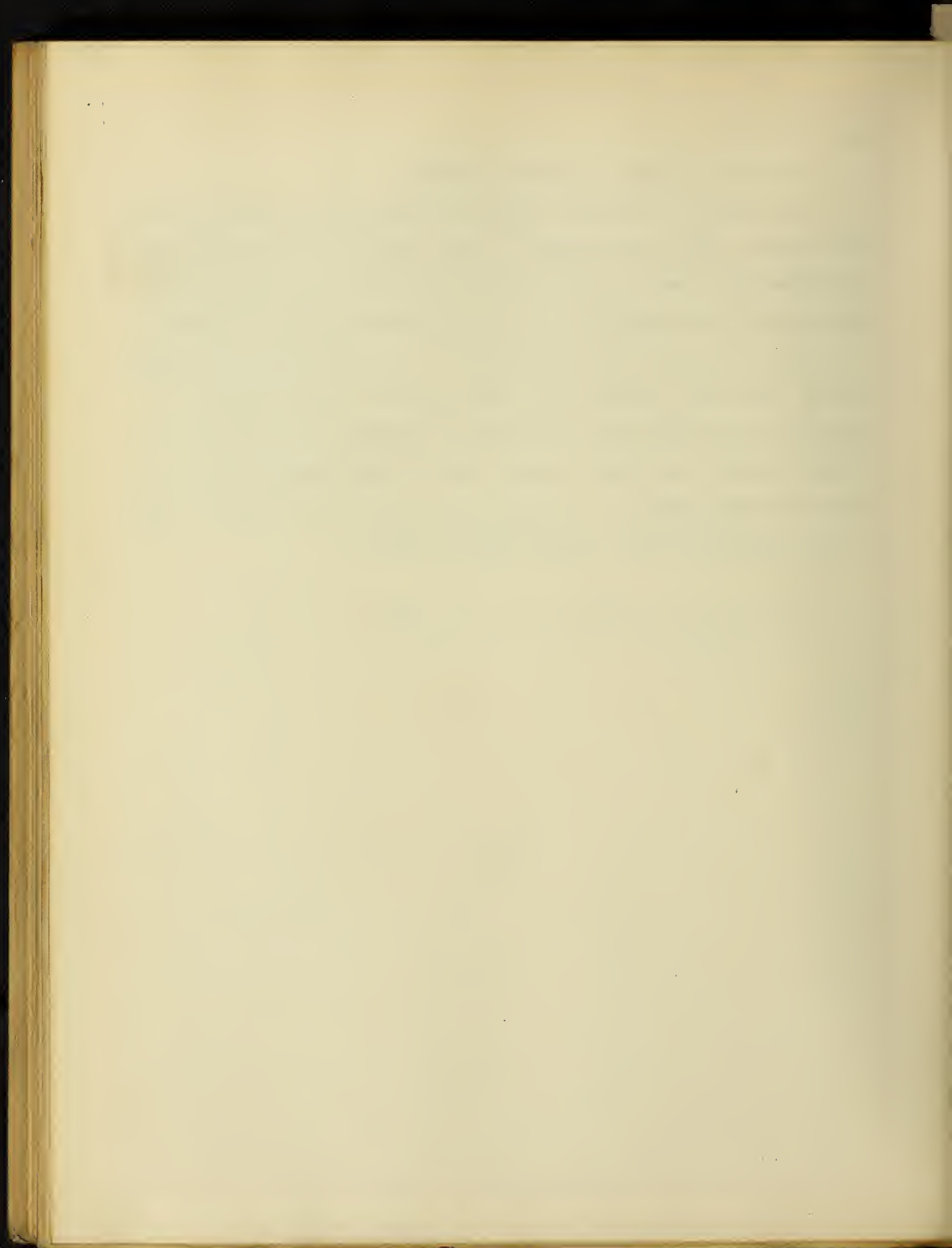


Dec. 23, 1709.

The Lords of Trade to Governor Hunter.

"Her Majesty having been pleased by her order in Council of the 24th October last(a Copy whereof is here inclosed, the Original having already been sent to the President and Council) to signify her disallowance and disapprobation of an Act passed in the Province of New Jersey in December 1704 Entituled, ' An Act for Regulating Negro Indians and Mulato Slaves within this Province of New Jersey'; by reason the Punishment to be inflicted on Negroes &c. is such as never was allowed by or known in the Laws of this Kingdom, You are to cause the said Order to be published and Entred in the Council Books of that Province, if not already done as usual".

Doc. rel. to Col. Hist. of N. Y. V, 157.



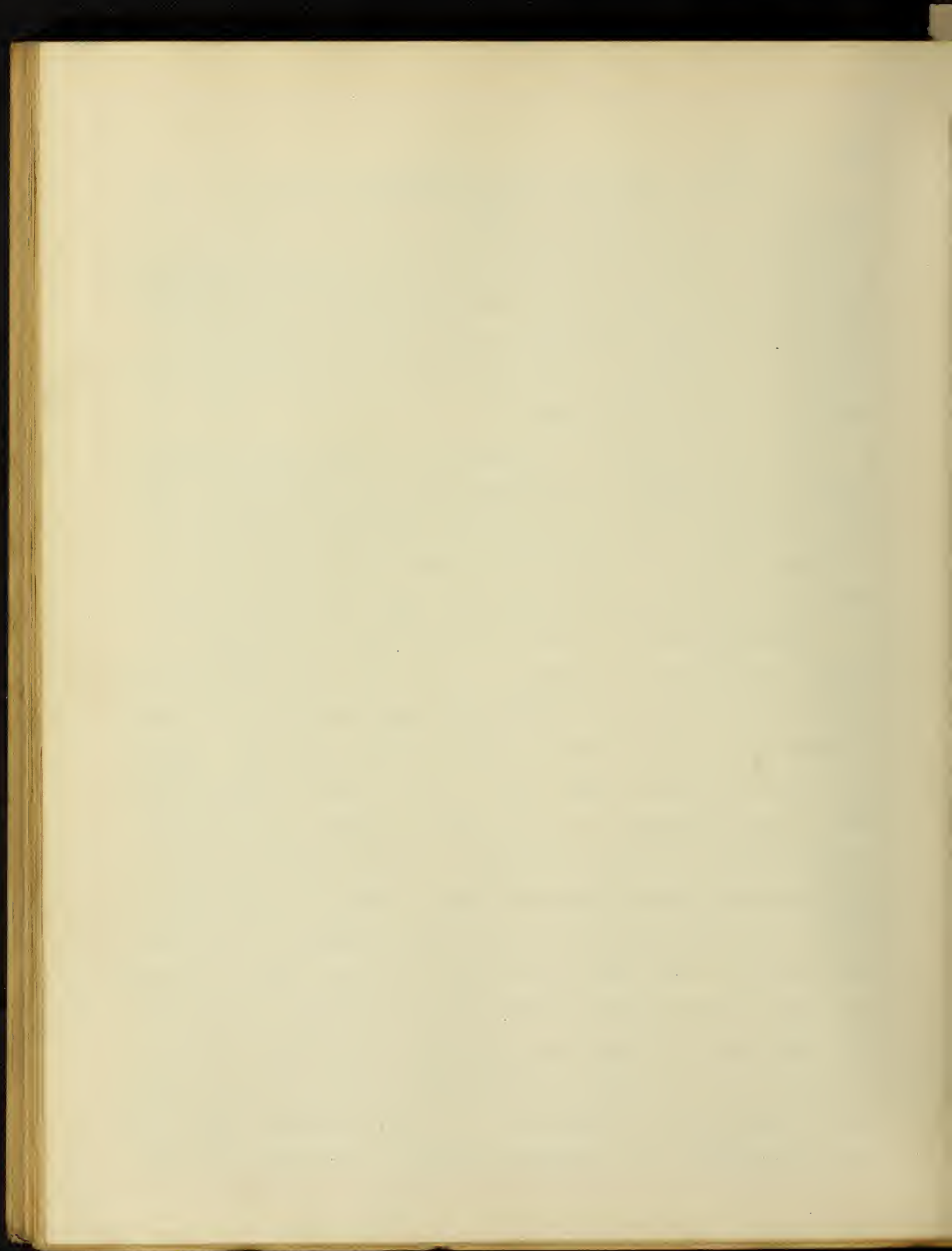
Feb. 27, 1712.

"And whereas, there was an act of Assembly made at - - - , in the year - - - , entitled an act, &c.:

It was then and there enacted, that for all negroes imported into this colony, there shall be £3 current money, of New England, paid into the general treasury of this colony for each negro, by the owner or importer of said negro; reference being had unto the said act will more fully appear.

But were laid under no obligation by the said act, to give an account to the Governor, what negroes they did import, whereby the good intentions of said act were wholly frustrated and brought to no effect; and by the clandestinely hiding and conveying said negroes out of the town into the country, where they lie concealed.

For the prevention of which for the future, it is hereby enacted by the authority aforesaid, that from and after the publication of this act, all masters of vessels that shall come into the harbor of Newport, or into any port of this government, that hath imported any negroes or Indian slaves, shall, before he puts on shore in any port of this government, or in the town of Newport, any negroes or Indian slaves, or suffers any negroes or Indian slaves to be put on shore by any person whatsoever, from on board his said vessel, deliver unto the naval office in the town of Newport, a fair manifest under his hand, which shall specify the full number of negroes and Indian slaves he hath imported in his said vessel, of what sex, with their names, the names of their owners, or of those they are consigned to; to the truth of which manifest so given in, the said master shall give his corporal oath, or solemn engagement unto the said naval officer, who is hereby empowered to administer the same

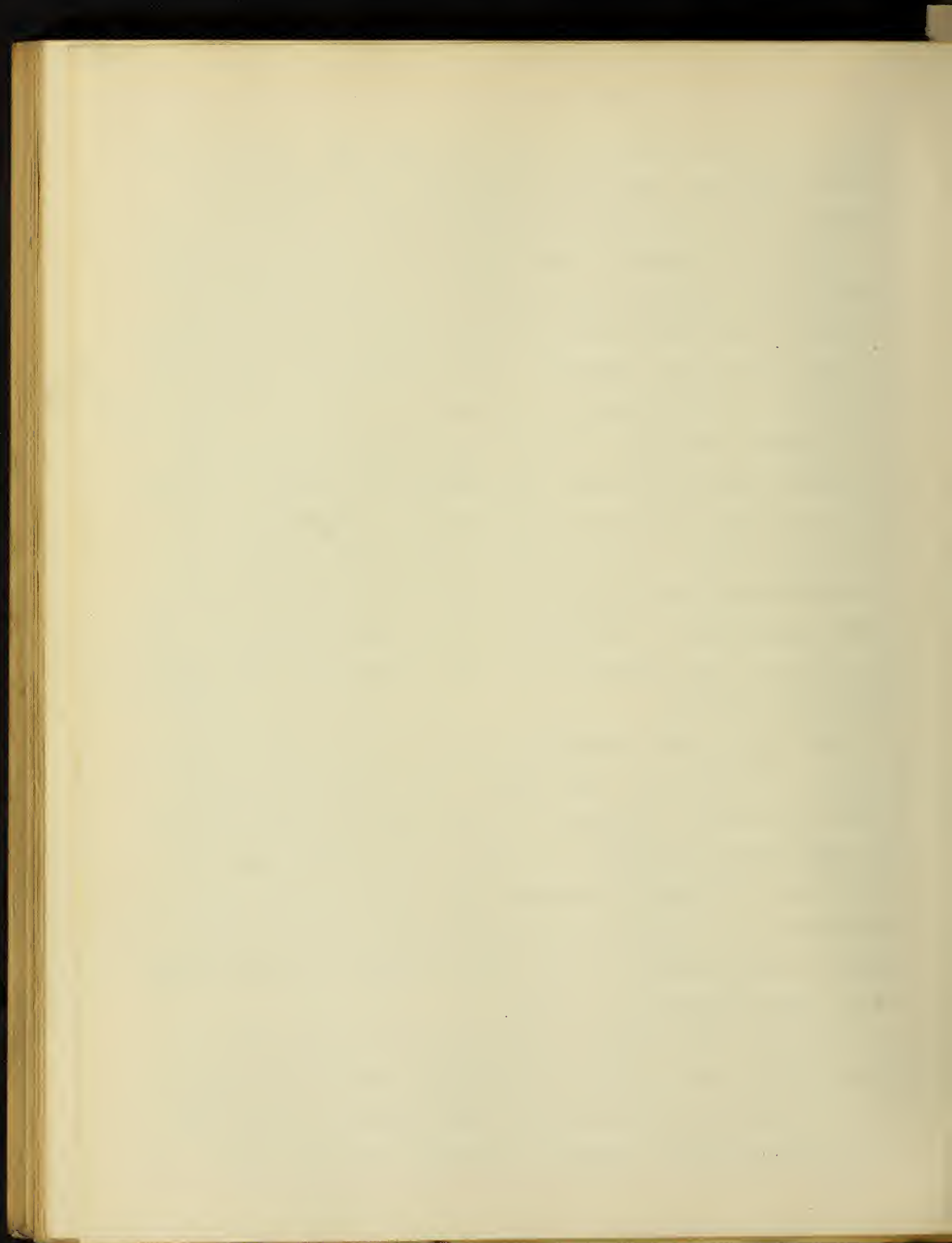


unto him; which said manifest being duly sworn unto, the said naval officer shall make a fair entry thereof in a book, which shall be prepared for that use, whereunto the said master shall set his hand.

But if the said master shall refuse to give to the said naval officer such a manifest as aforesaid, or to swear to the said manifest when so delivered to the said naval officer, then upon complaint of said naval officer, (whose oath shall be sufficient evidence in this case) to the Governor, or in his absence, to the next officer of the peace in the town of Newport, the Governor, or the officer to whom the complaint is made, shall immediately issue out a warrant of distrain unto the sheriff or his deputy, to apprehend the body of the said master, and him to commit to Her Majesty's jail, there to remain without bail or mainprize until he hath paid the full sum of £40 current money, of New England, to the treasurer of this colony for the use of said colony, with all other charges that shall accrue through his contempt.

And when the said master hath delivered his said manifest and sworn to it, as abovesaid, and before he hath landed on shore, or suffer to be landed, any negroes or Indian slaves as aforesaid, he, the said master, shall pay to the naval officer the sum of £3 current money, of New England, for each negro; and the sum of forty shillings of the like money for each Indian that shall be by him imported into this colony, or that shall be brought into this colony in the vessel whereof he is master.

But if he hath not ready money to pay down, as aforesaid, he shall then give unto the said naval officer a bill, as the law directs, to pay unto him the full sum above mentioned, for each and every negro and Indian imported as aforesaid, which bill shall

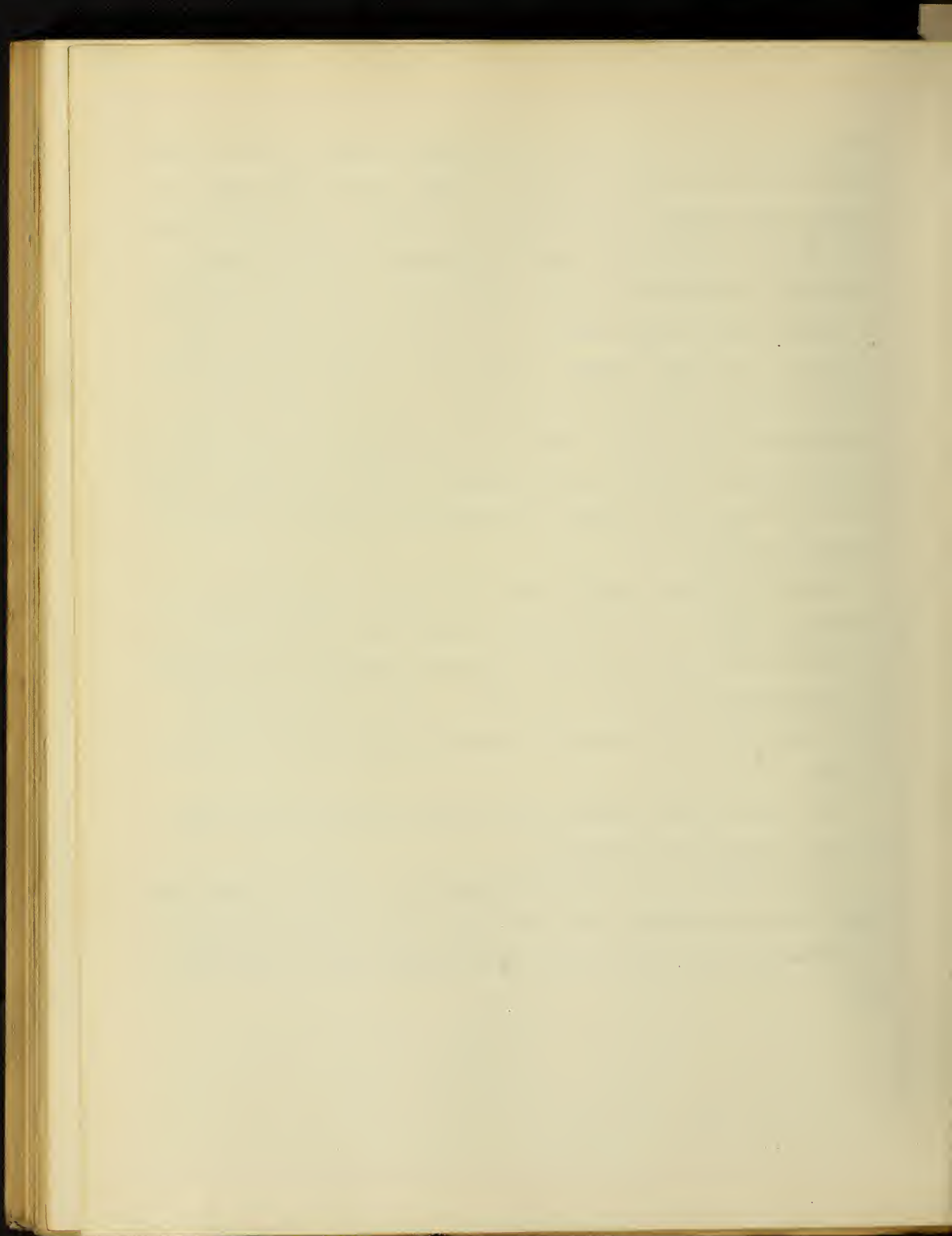


run payable in ten days from the entering the manifest as abovesaid; and if at the end of the ten days, the said master shall refuse to pay the full contents of his bill, that then the said naval officer shall deliver the said bill unto the Governor, or in his absence, to the next officer of the peace, as aforesaid, who shall immediately proceed with the said master in the manner above said, by committing of him to Her Majesty's jail, where he shall remain without bail or manprize, until he hath paid unto the said naval officer, for the use of this colony, double the sum specified in his said bill, and all charges that shall accrue thereby; which money shall be paid out by the said naval officer, as the General Assembly of this colony shall order the same.

And it is further enacted, that the naval officer who now is, and whoever shall be for the future put into said office, shall at the entering into the said office, take his engagement to the faithful performance of the above said acts. And for his encouragement, shall have such fees as are hereafter mentioned at the end of this act.

And for the more effectual putting into execution those acts, and that none may plead ignorance:

It is enacted by the authority aforesaid, that all masters trading to this government, shall give bond, with sufficient security in the naval office, for the sum of £50, current money of New England".

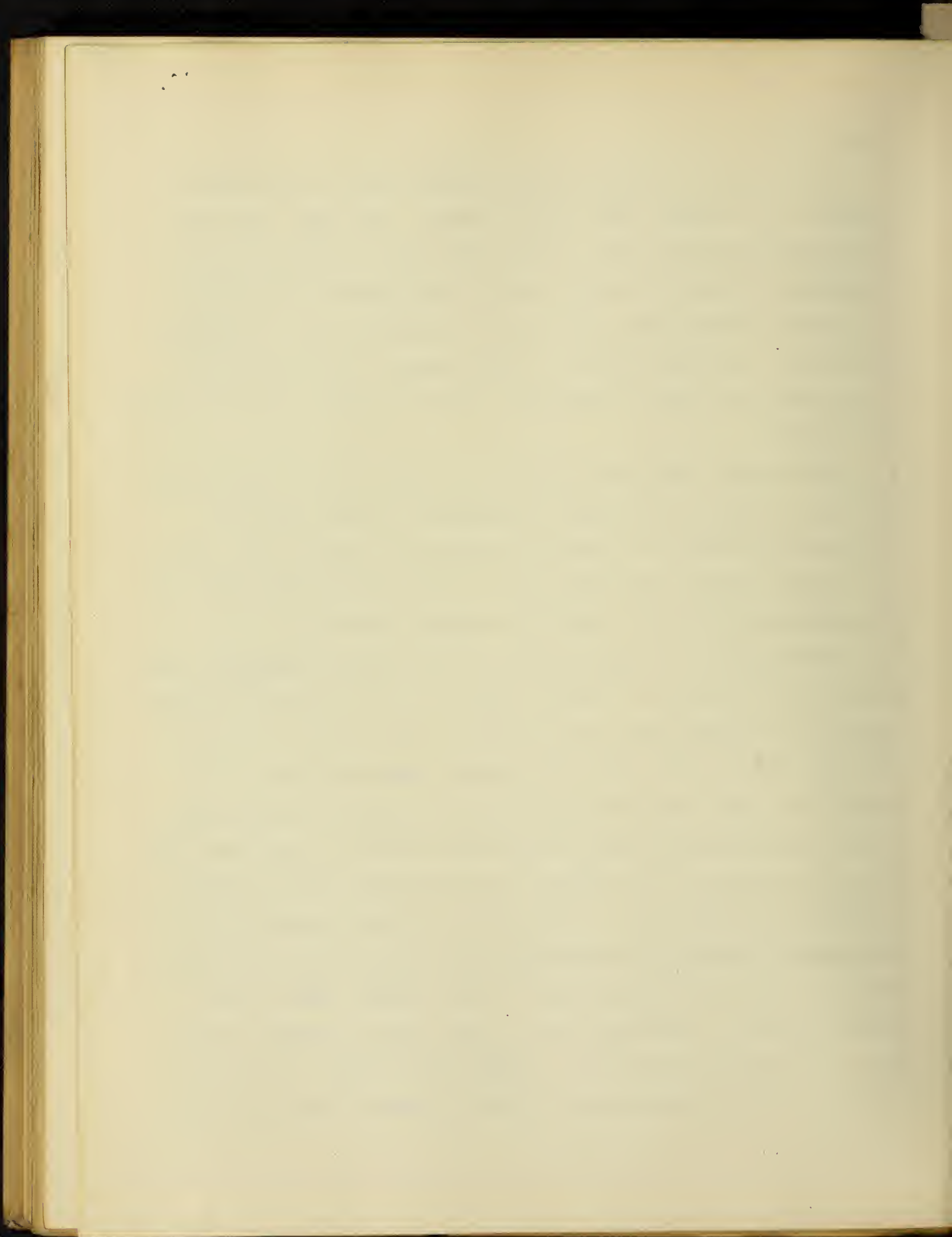


July 5 1715.

"Be it enacted by this present Assembly, and by the authority thereof it is enacted, that the sum of £ 289 17s. 3d., now lying in the naval officer's hands, (being duties paid to this colony for importing of slaves) shall be, and is hereby granted to the town of Newport, toward paving the streets of Newport, from the ferry place, up to the colony house, in said Newport; to be improved by their directors, such as they shall, at their quarter meetings appoint for the same.

And whereas, there was an act of Assembly, made at Newport, in the year 1701-2, for the better preventing of fraud, and coven, in paying the duties for importing of negro and Indian slaves into this colony, and the same being found in some clauses deficient for the effecting of the full intent and purpose thereof; -

Therefore, it is hereby enacted by the authority aforesaid, that every master of ships, or vessel, merchant or other person or persons importing or bringing onto this colony any negro slave or slaves of what age soever, shall enter their number, names, and sex in the naval office; and the master shall insert the same in the manifest of his lading, and shall pay to the naval officer in Newport, £ 3 per head, for the use of this colony, for every negro, male or female, so imported or brought in. And every such master, merchant, or other person, refusing or neglecting to pay the said duty within ten days after they are brought ashore in said colony, then the said naval officer, on knowledge thereof, shall enter an action and sue (for) the recovery of the same, against him or them, in an action of debt, in any of His Majesty's courts of record, within this colony.



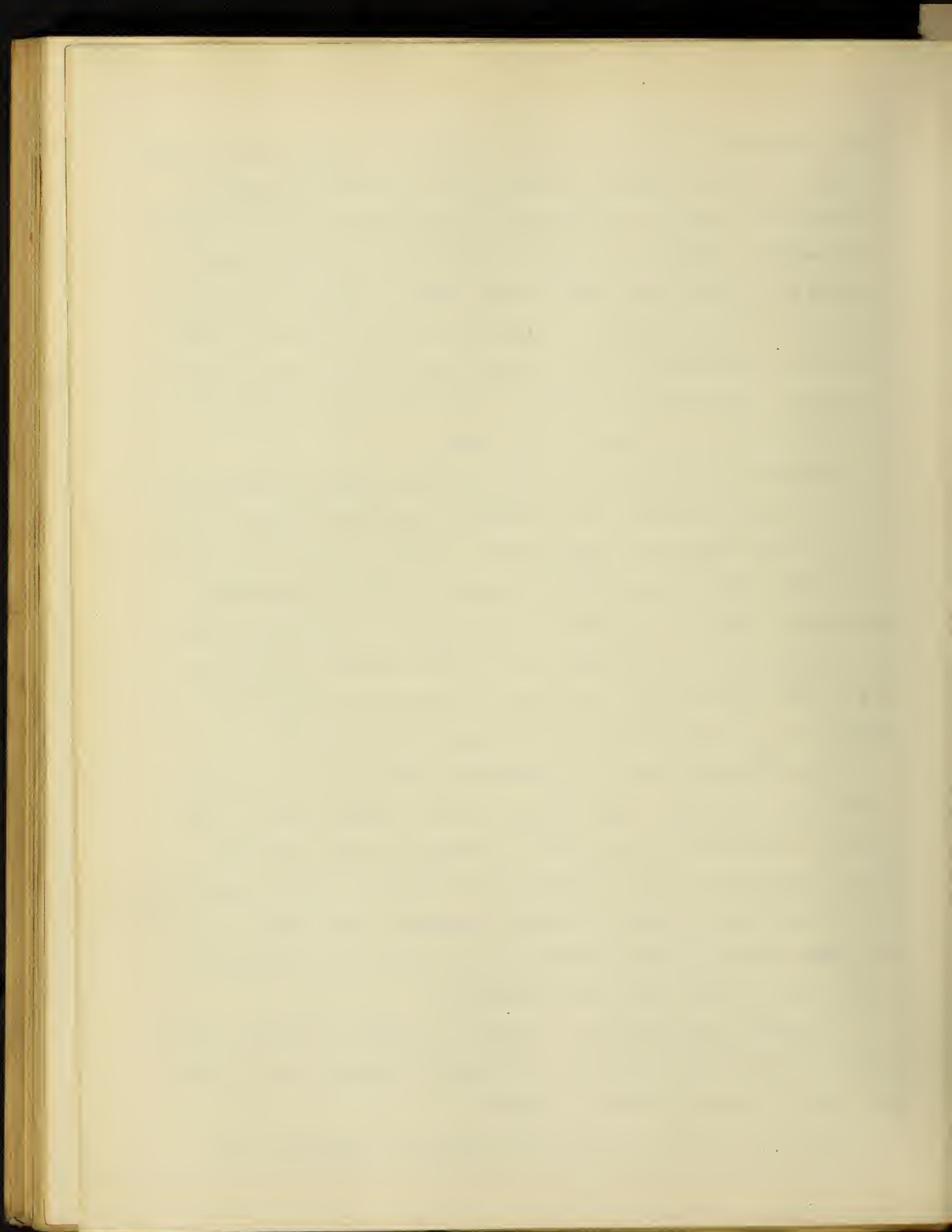
And if any master of ship or vessel, merchant or others, shall refuse or neglect to make entry, as aforesaid, of all negroes imported in such ship or vessel, or be convicted of not entering the full number, such master, merchant, or other person, shall forfeit and pay the sum of £6, for every one that he shall refuse or neglect to make entry, of one moiety thereof to His Majesty, for and towards the support of the government of this colony; and the other moiety to him or them that shall inform or sue for the same; to be recovered by the naval officer in manner as above said.

And also, all persons that shall bring any negro or negroes into this colony, from any of His Majesty's provinces adjoining, shall in like manner enter the number, names and sex, of all such negroes, in the above said office, under the penalty of like forfeiture as above said; and to be recovered in like manner by the naval officer, and to pay into the said office within above limited, the like sum of £3 pounds perhead; and for default of payment, the same to be recovered by the naval officer in like manner as aforesaid.

Provided only, that if any gentleman, who is not a resident in this colony, and shall pass through any part thereof, with a waiting man or men with him, and doth not reside in this colony six months, then such waiting men shall be free from the above said duty; the said gentleman giving his solemn engagement, that they are not for sale; any act or acts, clause or clauses of acts, to the contrary hereof, in any ways, notwithstanding.

Provided, that none of the clauses in the aforesaid act, shall extend to any masters or vessels, who import negroes into this colony, directly from the coast of Africa.

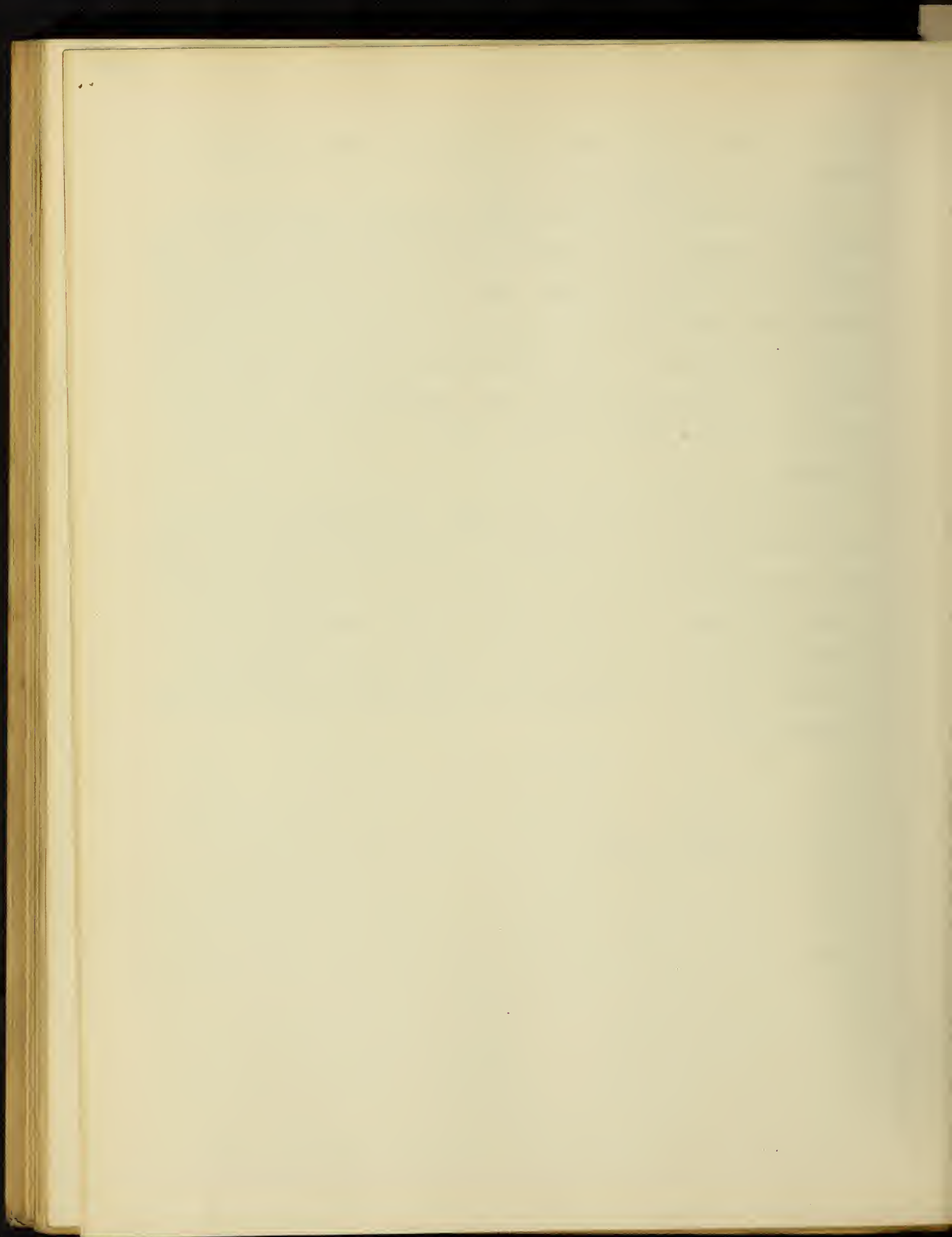
And it is further enacted by the authority aforesaid, that



the money raised by the impost of negroes, as aforesaid, shall be disposed of as followeth, viz. :

The one moiety of the said impost money to be for the use of the town of Newport, to be disposed of by the said town towards paving the streets of the said town, and for no other use whatsoever, for and during the full time of seven years from the publication of this act; and that £60 of said impost money be for, and towards the erecting of a substantial bridge over Potowomut river, at or near the house of Ezekiel Hunt, in East Greenwich, and to no other use whatsoever,.

And that Major Thomas Frye and Capt. John Eldredge be the persons appointed to order and oversee the building of said bridge, and render an account thereof, to the Assembly; and the said Major Frye and Capt. Eldredge to be paid for their trouble and pains, out of the remaining part of the said impost money; and the remainder of said impost money to be disposed of as the Assembly shall from time to time see fit".



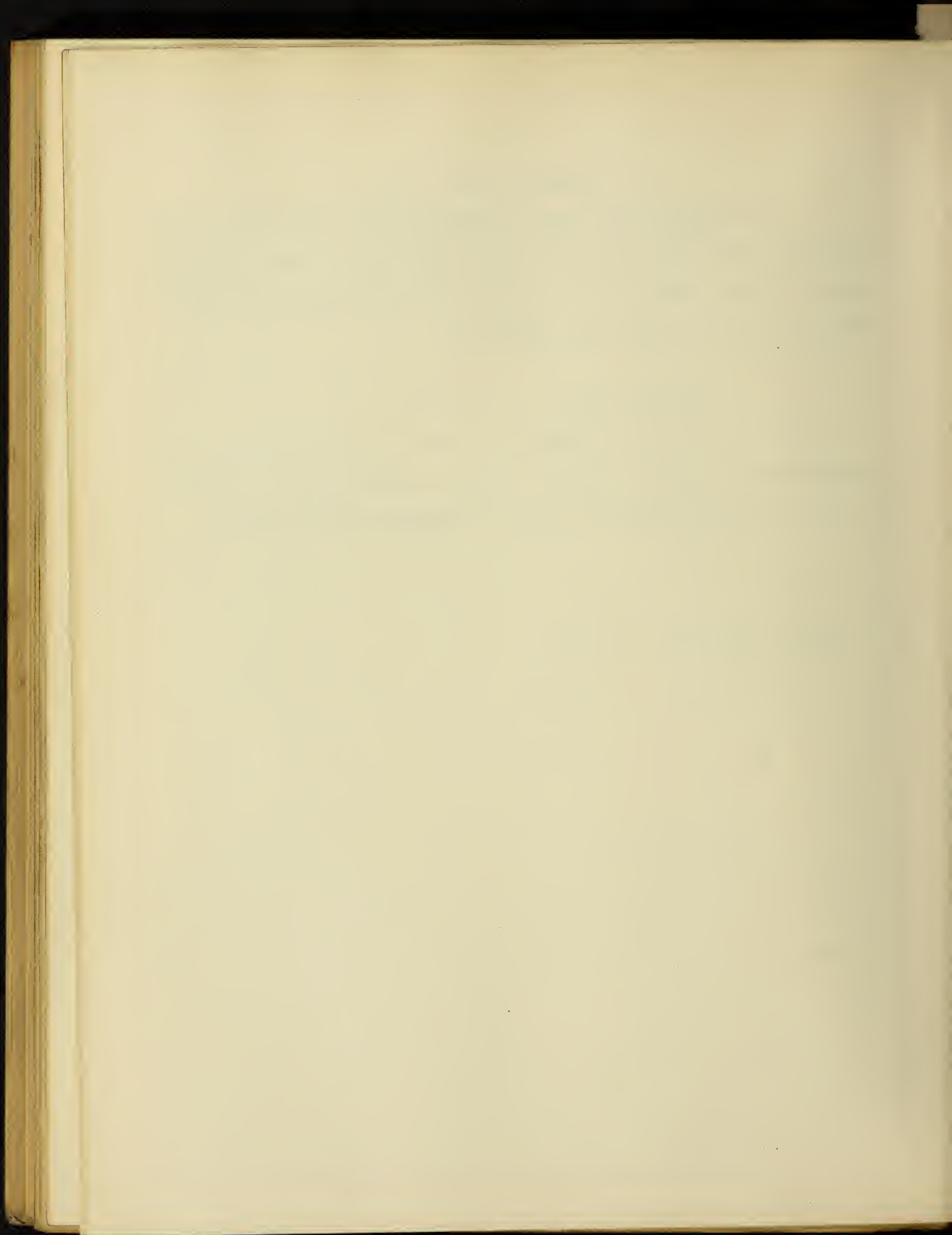
Sewall's Diary. 1716.

"I essay'd June, 22, to prevent Indians and Negros being Rated wit Horses and Hogs; but could not prevail. Col. Thaxter brought it back, and gave as a reason for the Non-agreement, They were just going to make a New Valuation".

Editor's Note.

"Coffin ("History of Newbury", p. 188) notes this passage, and gives examples of such ratings. Sewall's protest was the outcome of his anti-slavery feeling, so far in advance of his times".

Mass. Hist. Coll. VII, 87.



" June 2 , 1718. A Committee having been appointed by the Governour & Council to consider some fit Expedients for the Raising the Value of the Bills of Credit of this Province & Recovering the Trade out of its present Decay, report the following Expedients.

* * * * *

Fourthly, That the Importation of White Servants be encouraged, & tha the Importation of Black Servants be discouraged.' Coun-
cil Records, X, 259, 260".

p. 634.

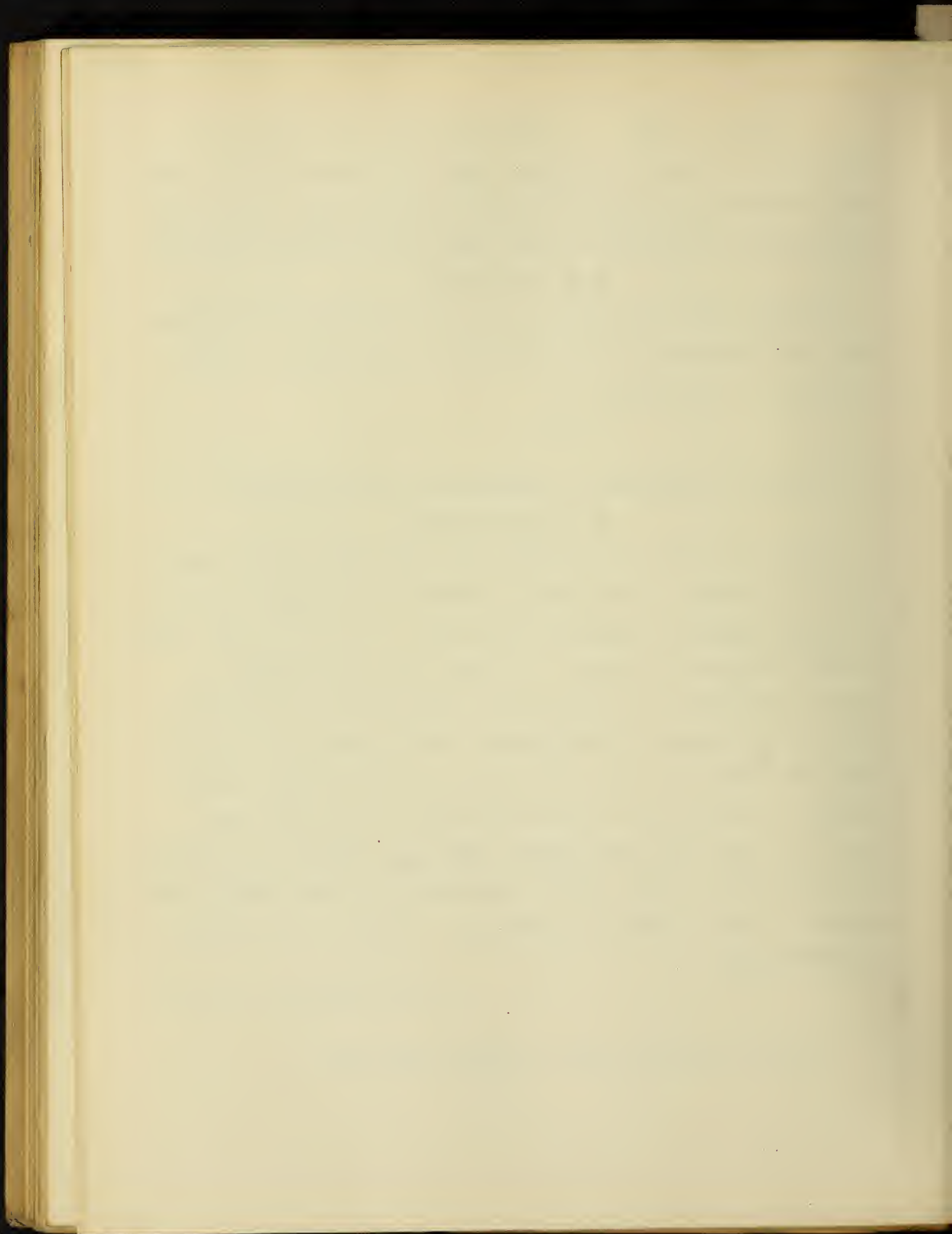
" An Act to encourage the Importation of White Servants.

* * * * *

(Sect. 3.) That from and after the first day of April, which will be in the year of our Lord one thousand seven hundred and nine, and for and during the space of three years next after the said first of April, any master, merchant, or others, that shall import or bring in and dispose in service within this province any male servants, of the kingdom of Great Britain, being between the age of ~~x~~ eight and twenty-five years, there shall be paid unto such master, merchant, or other person, the sum of forty shillings per head, gratis, for every such male servant, bona fide disposed of in service out of the impost office, and the commisioner is hereby ordered and impowered to pay the same, any law, usage or custom to the contrary notwithstanding.

Passed February 26, 1708-9."

Acts and Resolves of Prov. of Mass. Bay, I, 580.



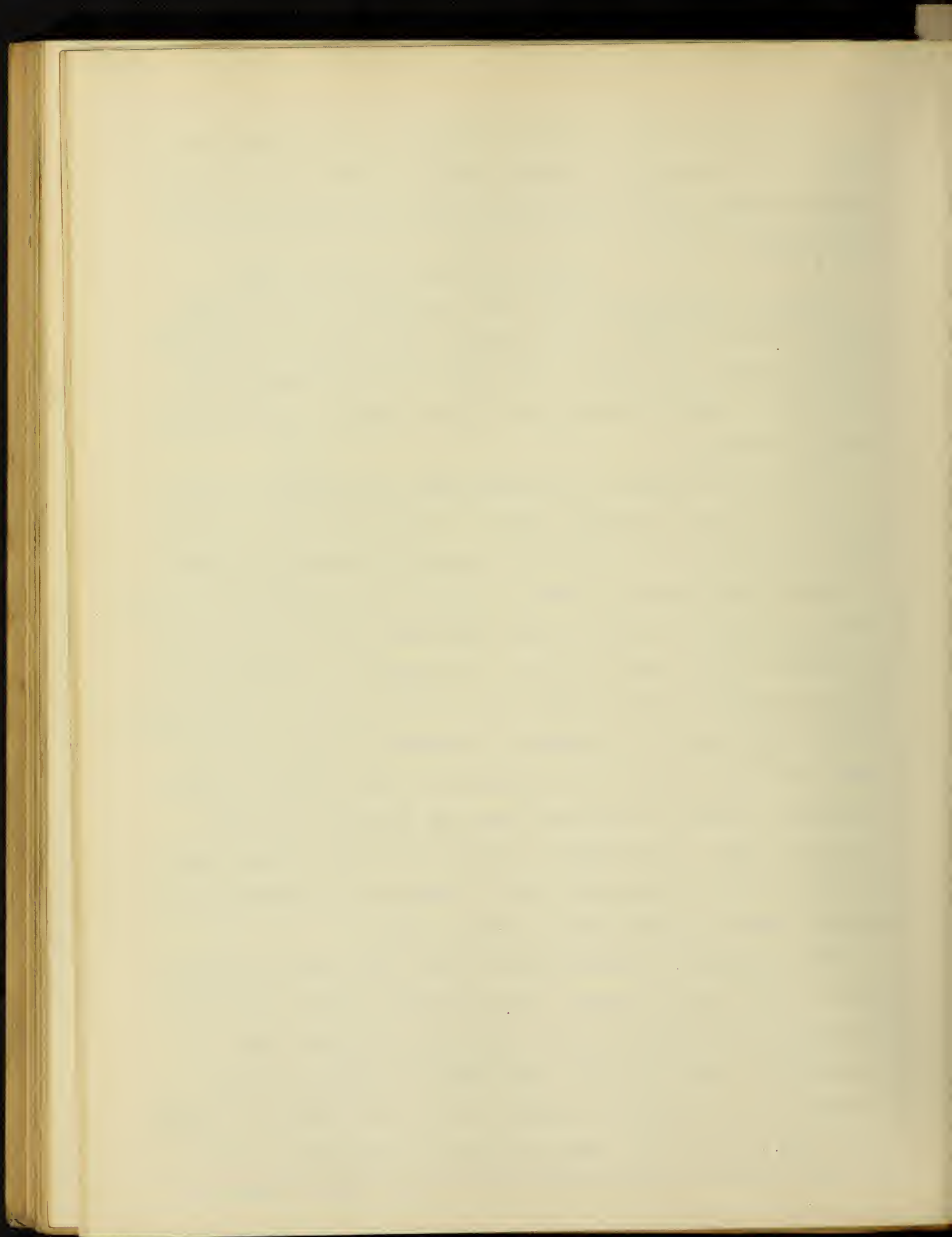
"An Act for the more effectual preventing and punishing the Conspiracy and Insurrection of Negroes and other Slaves; for the better regulating them, and for repealing the Acts herein mentioned, relating thereto.

Pass'd the 29th of October, 1730.

Whereas many Mischiefs have been occasioned by the too great Liberty allowed to Negro and other Slaves, and that some of the Acts relating thereto, are expired, and others not fully answering the good Purposes thereby intended, the General Assembly therefore pray it may be enacted;

I. And be it Enacted by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That no Person or Persons do hereafter, throughout this Colony, presume to trade or traffick with any Slave or Slaves either in buying or selling, without Leave and Consent of the Master or Mistress of such Slave or Slaves, on Forfeiture of treble the Value of the Thing or Things traded for, and also the Sum of Five Pounds current lawful money, to the Master or Mistress of such Slave or ~~X~~ Slaves, for each offense; to be recovered of such Person or Persons so trading, contrary to the true Intent and Meaning of this Act, by Action of Debt, in any Court of Record within this Colony, where such Sum or Sums is cognizable; and all Contracts and Bargains made with any Slave or Slaves, shall be utterly void.

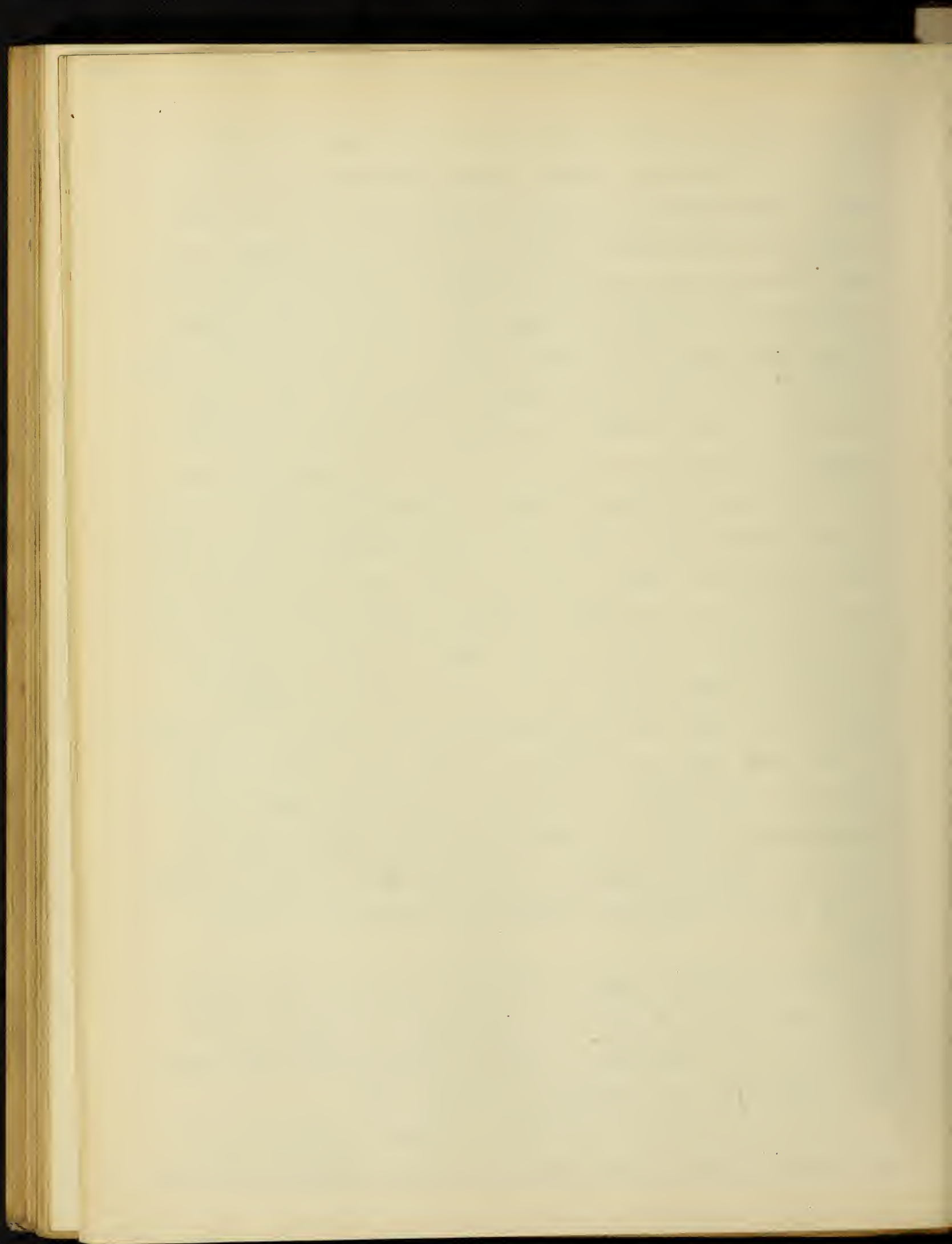
II. And whereas, notwithstanding sundry Laws passed heretofore in this Colony, for the Purposes abovementioned, several evil-disposed Persons, having Nothing in View but their own private Gain, do clandestinely trade and traffic with Slaves: For Remedy whereof, Be it Enacted by the Authority aforesaid, That if any Person or Persons within this Colony, shall, from and after the Publication of this Act, sell any Rum or other Strong Liquor, to any Negro, Indian, or



Mulatto Slave or Slaves, or shall buy or take in Pawn from them, any Wares, Merchandizes, Apparel, Tools, Instruments, or any other Kind of Goods whatever, and shall thereof be accused by the Master or Mistress or such Slave or Slaves, or by any other Person or Persons, before any one Justice of the Peace in the City or County where the Offender shall dwell or reside, shall forfeit and pay the Sum of Forty Shillings, for every such Offense, to be recovered with Costs before ^e the said Justice of the Peace, or before any other Justice dwelling where such Offense is committed; who is hereby strictly required and directed to hear, and finally to determine the same; unless the Person or Persons accused, as abovesaid, do take his, her, or their corporal Oath, (which Oath the said Justice is hereby empowered to administer) That he, she, or they, have not, either by themselves, or by any other Person or Persons on his, her, or their Behalf, directly or indirectly, sold, bought or taken in Pawn any of the Thing or Things of which he, she, or they shall be accused, in Manner as aforesaid; which Forfeiture shall be one Half to the Informer, the other Half for the Poor of the City, Town, Manor, or Precinct where such Offense is committed; and upon Non-payment of the abovementioned Penalty, the offending Party or Parties, shall be, by the said Justices, committed to the common Gaol, there to remain for the Space of twenty Days, unless the said Penalty be sooner paid.

III. And be it further Enacted by the same Authority, That hereafter it shall and may be lawful for any Master or Mistress to punish his, her, or their Slave or Slaves, for their Crimes and Offenses, at Discretion, not extending to Life or Limb.

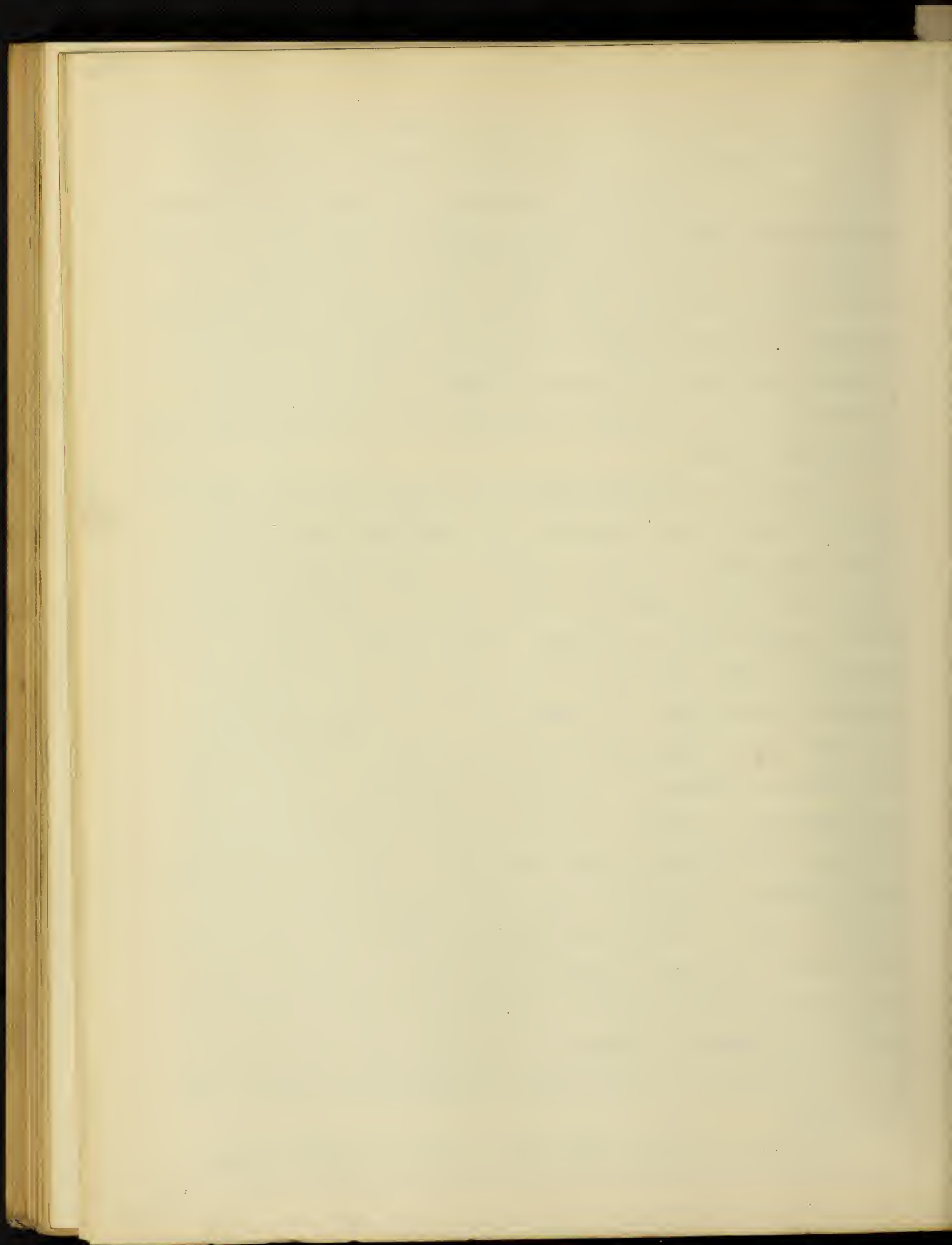
IV. And for as much as the Number of Slaves in the Cities of New-York and Albany, as also within the several Counties, Towns and



Manors within this Colony, doth daily increase, and that they have been oftentimes guilty of confederating together in running away; and of other ill and dangerous Practices: Be it Enacted by the aforesaid Authority, That it shall not hereafter be lawful for above three Slaves to meet together at any Time, nor at any other Place, than when it shall happen they meet in some servile Employment, for their Master's or Mistress's Profit and by their Masters and Mistresses Consent, upon Penalty of being whipt upon the naked Back, at the Discretion of any one Justice of the Peace, not exceeding forty Lashes for each Offense.

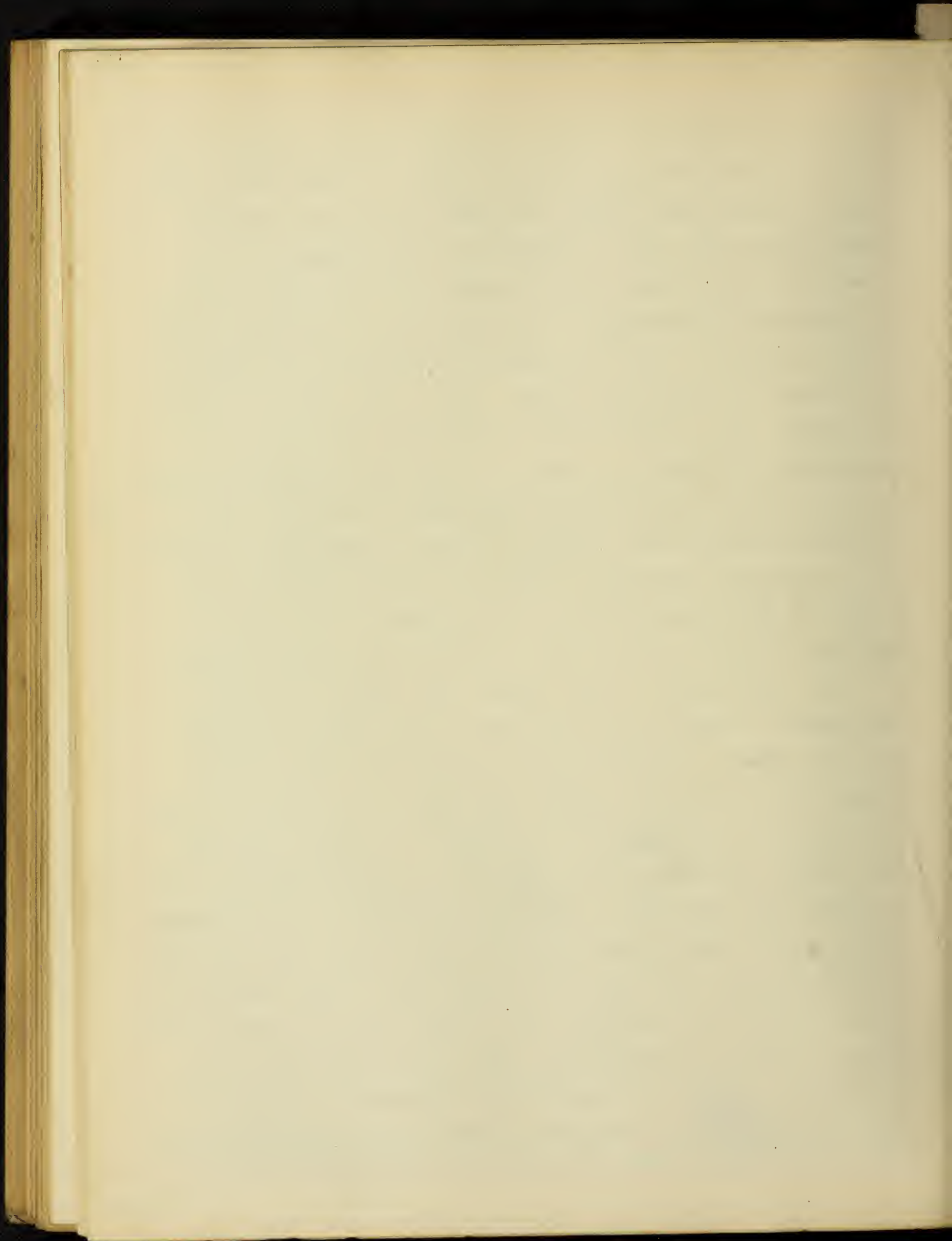
V. And be it furthered Enacted by the same Authority, That it shall and may be lawful hereafter, for every City, Town and Manor within this Colony, to have and appoint a common Whipper for their Slaves; and for his Salary, it shall and may be lawful for any City, Town, or Manor within this Colony, at their Common Council or Town-Meeting, to agree upon such sum to be paid him, by the Master or Mistress of the Slaves, not exceeding the Sum of Three Shillings per Head, for all such Slaves as shall be whipt, as aforesaid; and upon Neglect or Refusal of the Master or Mistress, to pay the Sum so agreed upon, as above, that then such Slave or Slaves shall be committed until Payment be made with Costs. And in Case any Slave shall presume to assault or strike any Christian or Jew, it shall be in the Power of any two Justices of the Peace, who, by this Act, are hereunto authorized, to commit such Slave or Slave to prison, not exceeding fourteen Days for one Fact, and to inflict such other corporal Punishment not extending to Life or Limb, upon him, her, or them, so offending, as to the said Justices shall seem meet and reasonable.

VI. And be it further Enacted by the Authority aforesaid, That



no Person or Persons whatsoever, do hereafter employ, harbour, conceal or entertain other Men's Slave or Slaves, at their House, Out-house, or Plantations, without the Consent of his, her, or their Master or Mistress, upon the Forfeiture of Five Pounds for every twenty-four Hours, (and so proportionally for a less Time they are so concealed or entertained) to the said Master or Mistress of such Slave or Slaves, so that the Penalty for entertaining such Slave do not exceed the Value of such Slave. And if any Person or Persons whatsoever, shall be found guilty of harboring, entertaining, or concealing of any Slave or Slaves, or assisting to the conveying him, her, or them away; if such Slave shall happen to be lost, dead, or otherwise destroyed, such Person or Persons so harbouring, entertaining, concealing, assisting, or conveying them away, shall be also liable ^{to} pay the value of such Slave or Slaves, to the Master or Mistress; to be recovered by Action of Debt in any Court of Record.

VII. And whereas it often happens, that through the Lenity of the Master, or Person under whose Care the said Negroes or Slaves are, the Persons so entertaining and dealing with them, are forgiven, and not brought to condign Punishment, to the very great Hurt, not only of the said Masters, but of other his Majesty's liege People, owning Negroes and other Slaves: Be it therefore Enacted by the Authority aforesaid, That if any Master or Mistress, or Person under whose Care any Negro or other Slave is, shall forgive, make up, compound, compromise, or receive or take any other or less Consideration than is by this Act prescribed, shall forfeit double the Sum the said Person or Person so entertaining, ought to have forfeited; to be ^{re}covered in any Court of Record within this Colony, by Action of Debt, Bill, Complaint, or Information, wherein there shall be no Essoin, Protection, Wager of Law, or any more than one Impar lance allowed,



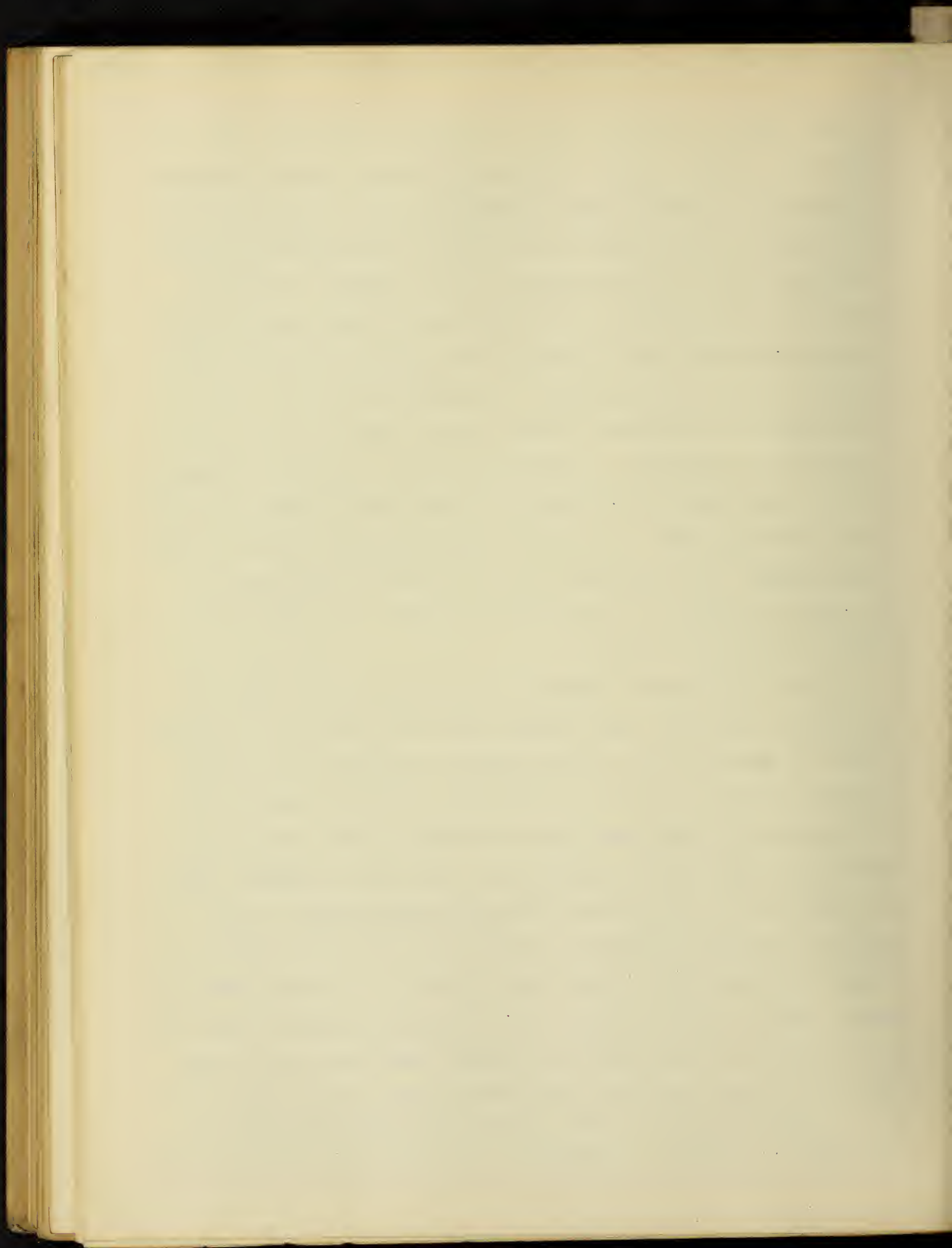
one Half thereof to any Person that shall sue for the same, the other Half to his Majesty, his Heirs and Successors, for and towards defraying the publick Charge of the City, Town, Borough, Manor or Precinct in which the Master, Mistress, or Person under whose Care the said Negroes^{are}, doth dwell or inhabit.

VIII. Be it also further Enacted by the same Authority, That if any Person or Persons knowing of such Entertainers of Slave or Slaves, and does not discover the same to ~~be~~ the Master, Mistress, or Person under whose Care the said Slave or Slaves are, or to some one Justice of the Peace, or being suspected to know, upon Complaint, doth not discover the same, or upon Tender of an Oath before any Justice of the Peace, before whom such Complaint shall come, (who is hereby authorized to administer the same) shall refuse to take such Oath, and purge him, her, or themselves, the said Person or Persons so neglecting or refusing to discover or take the said Oath, shall forfeit the Sum of Forty Shillings, to be immediately, after Conviction, levied upon his, her, or their Goods and Chattels, for the Use of the Person or Persons who shall inform or Complain; and in Case there be no Goods and Chattels, then the body of the Person or Persons offending, shall be committed to Gaol, till he, she, or they pay and satisfy the said Sum of Forty Shillings, and Charges accruing thereon; and if it afterwards appear, that any Person or Persons, who, by the Directions in this Act, are in any Case obliged to purge him, or her, or themselves by their Oath, have sworn falsely; such Person or Persons so offending, shall incur the like Pains and Penalties as those who are found guilty of wilful Perjury, and be prosecuted accordingly.

IX. And whereas there are many Negroes^N, Indians and Mulattoes, who have formerly been manu itted, and made free within this Colony,

by their Masters or Owners; and it is found by Experience, that they entertain, harbour, support, and encourage Negro, Indian, and Mulatto Slaves, to the great Damage and Detriment of the Masters or Owners of Slaves, and of other of his Majesty's liege Subjects within this Colony; Be it therefore Enacted by the Authority aforesaid, That if any Negro, Indian or Mulatto, made, or born free, or to be made free hereafter, shall knowingly and wittingly entertain any X Slave or Slaves absenting himself or themselves^o, from his, her, or their Masters or Mistresses Service, without Leave first given and signified, as aforesaid, or without the Master, or Person under whose Care the said Slave is, be present; the said Negro, Indian, or Mulatto so offending, shall be forthwith apprehended, and forfeit the Sum of Ten Pounds, for every Night or Day they are so entertained, to the Master or Mistress of such Slave or Slave; to be recovered by Action of Debt, as aforesaid.

X. And be it further Enacted by the same Authority, That if any Master or Mistress, shall manumit and set at Liberty, any Negro, Indian, or Mulatto Slave; and such Master or Mistress, so manumitting and setting at Liberty, or any other sufficient Person, for and on Behalf of such Negro, Indian or Mulatto Slave, shall do and enter into a Bond unto his Majesty, his Heirs and Successors, with two Sureties, in a Sum not less than Two Hundred Pounds, at the General Sessions of the Peace, for the County where such Negro, Indian or Mulatto Slave, shall live or reside, to Keep and save such Negro, Indian or Mulatto Slave, from becoming any Charge to the City, Town, Parish, or Place within this Colony, where he, she, or they, shall at any Time after such Manumission, live; the said Negro, Indian or Mulatto, shall be free, according to such Manumission of the Master or Mistress, so manumitting and setting at Liberty, such



Slave or Slaves: And if any Negro, Indian or Mulatto Slave, shall have been made free, or hereafter shall be made free, by the Will or Testament of any Person deceased; that then, if any Executor or Executors, of any Person or Persons deceased, or on their Neglect or Refusal, any other sufficient Person, for and on behalf of such Negro, Indian, or Mulatto Slave, shall and do enter into such Security, as aforesaid, at the General Sessions of the Peace for the County, where such Negro, Indian, or Mulatto Slave, shall live or reside, to keep and save such Negro, Indian or Mulatto Slave, from becoming or being any Charge to the City, Town, Parish, or Place within this Colony, where he, she or they, shall at any Time after such Manumission, live; the said Negro, Indian or Mulatto Slave, shall be free, according to the true Intent and Meaning of the Will or Testament of any Person or Persons deceased: And if Security^u be not given in Manner aforesaid, such Manumission of Devise, as before mentioned, shall be void, and of none Effect; any Usage or Custom to the contrary notwithstanding.

XI. And whereas Slaves are the Property of Christians or Jews, and can not, without great Loss or Detriment to their Masters or Mistresses be subjected in all Cases criminal, to the strict Rules of the Laws of England; Be it Enacted by the Authority aforesaid, ^hThat hereafter, if any Slave or Slaves, by Theft or other Trespass, shall damnify any Person or Persons to the Value of Five Pounds, or under; the Master or Mistress, of such Slave or Slaves, shall be liable to make Satisfaction, for such Damages, to the Party injured; to be recovered by Action of Debt, in any Court having Jurisdiction and Cognizance of Pleas to that Value; and the Slave or Slaves shall receive corporal Punishment, at the Discretion of any one Justice of the Peace, and immediately thereafter (the Master or Mis-

111.

tress having first paid the Charge of such Punishment) be permitted to attend his or her Master or Mistress's Service, without further Punishment.

XII. And be it further Enacted by the Authority aforesaid, That hereafter no Slave or Slaves shall be allowed as Evidence or Evidences, in any Matter, Cause, or Thing whatsoever, except in Cases of Plotting or Confederacy among themselves, either to run away, kill or destroy their Master, Mistress, or any other Person; or Burning of Houses, Barns, Barracks, or Stacks of Hay, or of Corn; or the Killing of their Master or Mistresses Cattle or Horses; and that only against one another; in which Cases the Evidence of one Slave shall be allowed good against another Slave.

XIII. And be it further Enacted by the same Authority, That all and every Negro, Indian, or other Slave or Slaves, who after the Publication of this Act, shall murder or otherwise kill, unless by Misadventure, or in the Execution of Justice, or conspire or attempt the Death of any of his Majesty's liege People, not being Slaves; or shall attempt or commit any Rape, on any of the said Subjects; or shall wilfully burn any Dwelling-House, Barn, Stable, Out-house, Stacks of Corn or Hay; or shall wilfully mutilate, mayhem, or dismember any of the said Subjects, not being Slaves, as aforesaid; or shall wilfully murder any Negro, Indian, or Mulatto Slave, within this Colony, and shall thereof be convicted before three or more of his Majesty's Justices of the Peace, for the County where such Fact shall be committed, one whereof to be of the Quorum, who are hereby authorized to hear and determine the same, in conjunction with five of the principal Freeholders of the County, without a Grand Jury, seven of whom agreeing, shall put their Judgment in Execution, according to this Act; or before any Court of Oyer and Terminer, or

general Gaol-delivery; he, she, or they so offending, shall suffer the Pains of Death, in such Manner, and with such Circumstances, as the Aggravation or Enormity of their Crimes, in the Judgment of the Justices of those Courts aforesaid, or as in the Judgment of seven of the said Justices and Freeholders, shall merit and require.

XIV. Be it further Enacted by the Authority aforesaid, That upon Complaint made to any one Justice of the Peace, against any Negro, Indian, or Mulatto Slave or Slaves, who have or are supposed to have committed any of the Murders, Rapes, Mayhems, Insurrections or Conspiracies, mentioned in this Act. the said Justice is immediately to issue his Warrant to the next Constable, to apprehend the said Offender or Offenders, and for all or any Person or Persons to come before him, that can give evidence; and if, upon Examination, it appears that the Slave or Slaves apprehended, are guilty, he shall commit him, her, or them to Prison; and also shall certify to the two next Justices of the Peace, the said cause, and require them, by Virtue of this Act, to associate themselves to him; which the said Justices are hereby required to do; and they, so associated, are to issue their Summons to five Freeholders, acquainting them with the Cause, and appointing them the Time and Place the same shall be heard and determined; at which Time and Place, the said Justices are hereby empowered to appoint some Person to prosecute the said Offender or Offenders; and the Person so appointed, shall prefer an Accusation in Writing, specifying the Time, Place, and Nature of the Offence, as near as conveniently may be; to which Accusation the Offender or Offenders shall be obliged to plead; and upon Refusal to plead, the like Judgment shall be given against such Slave or Slaves, so accused, ^{as} if convicted by Verdict or Confession;

and upon pleading thereto, the Justice shall proceed to Trial, in Conjunction with the said Freeholders, so summoned, as aforesaid; to which Freeholders no peremptory Challenge shall be allowed; and if, upon hearing the Matter, (the said Freeholders being first sworn by the said Justices, to judge according to Evidence) they shall adjudge such Slave or Slaves, guilty of the Offense complained of, they shall give Sentence of Death upon him, her, or them, as aforesaid; and, by their Warrant, cause immediate Execution to be done by the common or any other Executioner in such Manner as they shall think fit.

XV. Provided always, and it is hereby furthered Enacted by the Authority aforesaid, That if any Master or Mistress of any Slave or Slaves, be inclined to have his, her, or their Slave or Slaves, tried by a Jury of twelve Men, it shall be granted; such Master or Mistress paying the Charge of the same, not exceeding Nine Shillings to the Jury; and in such Case there shall a Precept be issued by the Justices to the next Constable, to summon a Jury of twelve Men, who shall be sworn to try according to Evidence; and the Justices shall proceed to Trial by the said Jury, summoned and sworn, as aforesaid, without a Grand Jury, to which Jurors no peremptory Challenge shall be allowed.

XVI. And be it further Enacted by the Authority aforesaid, That the Charge of prosecuting and executing of Negroes and other Slaves, in Manner before expressed, shall be paid and defrayed by the City or County where such Negro or Slaves shall be convicted and executed, and be laid, assessed and levied in the same Manner as the publick and necessary Charge of such City or County are, or used to be raised, and to be distributed by the Order and Direction of the Justices hereby impowered to hear and determine the Crime of such Ne-

gro or other Slaves offending, as aforesaid, so as that the said Charge shall not exceed the Sum of Three Pounds, current Money of this Colony, for each Conviction and Execution.

XVII. And be it further Enacted by the Authority aforesaid, That the Owner or Owners of a Slave or Slaves so executed, in the City and County of Albany, or in any of the other Counties within this Colony, shall be paid for the same, in the like Manner as the Charges for Prosecution and Execution is, by this Act, directed to be assessed, levied, and paid; Provided, The Value of such Slave does not exceed the Sum of Twenty-Five Pounds, current Money of this Colony.

XVIII. And be it further Enacted by the same Authority, That in the City and County of New-York, the Justices of the Peace of the said City, for the Time being, or the major Part of them, do take effectual Care, in Case such Conviction and Execution happen within their Jurisdiction, that such Charge, as abovesaid, be raised, levied, and collected in the same Manner as is directed in an Act, entitled, An Act for settling a Ministry, and raising a Maintenance for them in the City of New-York, County of Richmond, Westchester, and Queen's County, passed in the fifth Year of their late Majesties, King William and Queen Mary; and that the same shall be paid into the Hands of the Treasurer or Chamberlain of the said City, for the Time being, who is hereby required to pay the same by Order and Direction of the Justices hereby empowered to hear and determine the Crimes of such Slave or Slaves, offending, as aforesaid, so as the Charge of each Conviction and Execution shall not exceed the Sum of Three Pounds, current Money of this Colony.

XIX. And be it further Enacted by the same Authority, That the Owner or Owners of such Slave or Slaves, which shall happen to be executed by Virtue of this Act, in the City and County of New-

York, shall be paid for the same, and the Money shall be assessed, collected and paid, as in and by this Act, the Justices of the Peace for the said City and County, are directed and impowered to levy, pay and discharge the Prosecution and Execution of Slave or Slaves; Provided, The Price to be paid for each Slave, so executed, do not exceed the Sum of Tw nty-Five Pounds, current Money of this Colony.

XX. And be it further Enacted by the Authority aforesaid, That it shall not be lawful for any Slave or Slaves, to have or use any Gun, Pistol, Sword, Club, or any other Kind of Weapon whatsoever, but in the Presence or by the Direction of his, her, or their Master or Mistress, and in their own Ground, on Penalty of being whipt for the same, at the Discretion of the Justice of the Peace, before whom such Complaints shall come, ^{or} ~~where~~ upon the View of the said Justice, not exceeding twenty Lashes on the bare Back, for every such Offense.

XXI. And be it further Enacted by the Authority afore aid, That every such Justice of the Peace, Constable, Assessor, Collector, or any other Officer, as do neglect, delay, or refuse the several Duties and Services hereby enjoined to be respectively done and performed by them, shall, for every such Offense, forfeit the Sum of Forty Shillings: and every Freeholder, summoned as aforesaid, and neglecting or refusing to serve, shall forfeit the Sum of twenty Shillings; which Penalty or Penalties shall be recovered before any two Justices of the Peace, dwelling in the City or County where such Neglect, Delay, or Refusal shall happen; to be levied on the Goods and Chattels of the Offender, by a Constable, by Warrant from Justices; who are hereby impowered and directed, upon such Neglect, Delay, or Refusal, to issue their Warrant for levying the same; and

one Half of such Peralty shall be for the use of the Prosecutor, and the other Half for the Use of the Poor of the Place where such Penalty shall be levied.

XXII. And for preventing Doubts, Scruples, or Confusions, concerning the several Acts of General Assembly heretofore passed, in Relation to Slaves, Be it Enacted by the Authority aforesaid, That all and every the following Acts, and every Clause, Article and ~~in~~ Thing therein, or in the Acts for the Continuance or Revival thereof, shall, after the Publication of this Act, be, and are hereby repealed, and made null and void, That is to say; an Act, entitled, ^{*}An Act for regulating Slaves, passed in the first Year of the late Queen Anne; an Act, entitled, [†]An Act for Preventing the Conspiracy of Slaves, passed in the seventh Year of the said Queen; ~~‡~~An Act for preventing, Suppressing, and Punishing the Conspiracy and Insurrection of Negroes, and other Slaves, passed in the eleventh Year of her said late Majesty; and an Act, entitled, [§]An Act for explaining and rendering more effectual, an Act of the General Assembly of this Colony, entitled, An Act for preventing, Suppressing, and Punishing the Conspiracy and Insurrection of Negroes and other Slaves, passed in the ~~the~~ ^{||}third Year of King George the First.

* Chap. 123. [†] Chap. 181. ~~‡~~ Chap. 250. [§] Chap. 341.

^{||}The Act pass'd 4th George I."

Chap. DLX. Laws of N. Y. 1691-1773. I, 157 et seq.

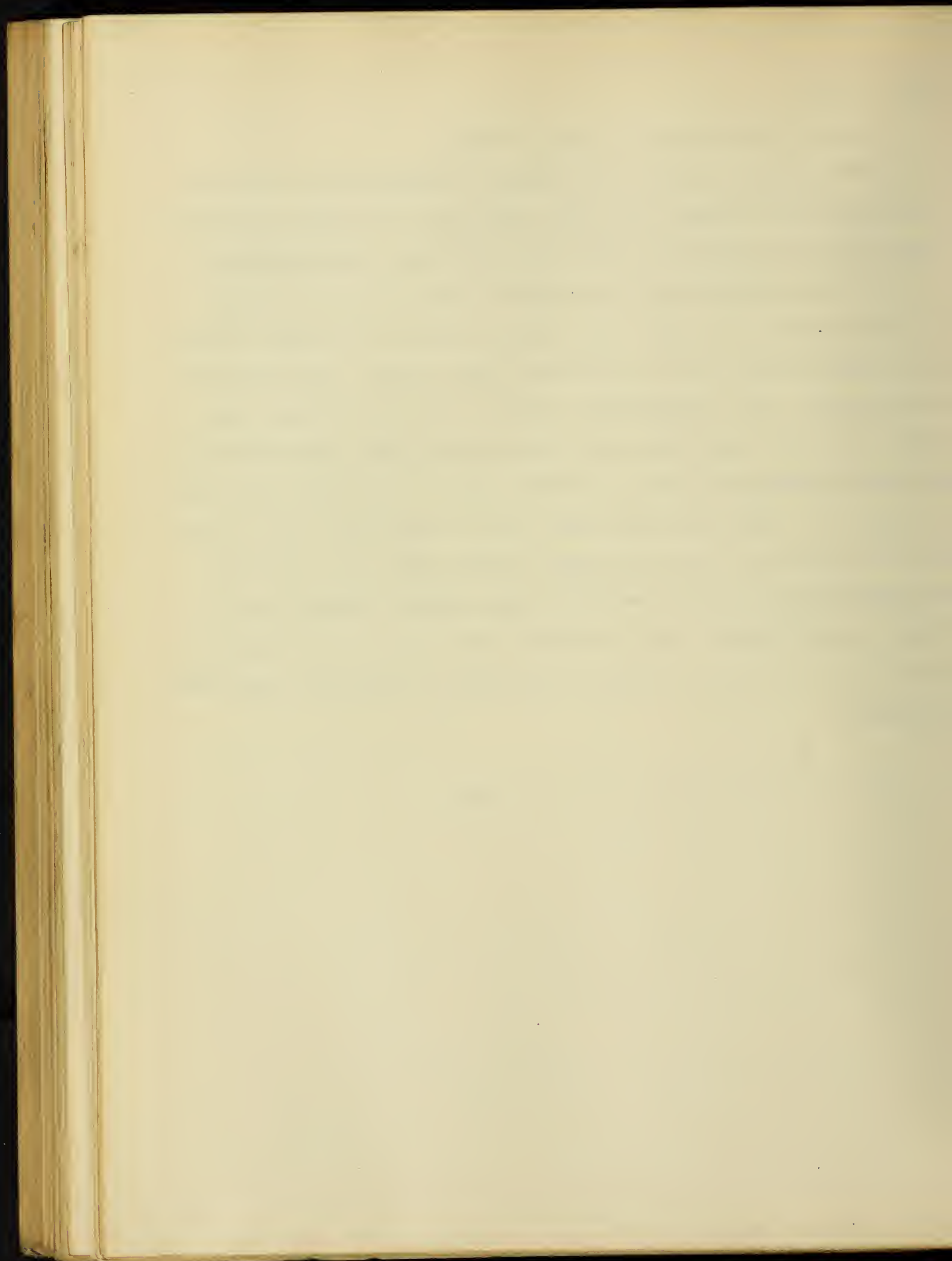
Dec. 21, 1730.

Governor Montgomerie to Lords of Trade.

"N^o 12. An Act for the more effectual preventing and punishing the Conspiracy of Negro, and other Slaves, for the better regulating them and for repealing the Acts herein mentioned relating h^{er}eto.

If Your Lordships will be pleased to look on the last clause in this Act, you will see, that several Laws have been past formerly in this province for the regulating their Slaves, and preventing and punishing their conspiracies, which is no less necessary now, than it has been heretofore, but because some doubts have arisen upon the construing some parts of those Acts, it was thought necessary to repeal all those heretofore made, and to substitute this present Act in their room, which will remove former doubts, and encourage the Magistrates to exert themselves when occasion requires, and I think it much better, that they should have a plain rule to walk by, than that they should be puzzled with doubts, intricacies, and uncertainties".

Doc. rel to Col. Hist. of N. Y. V, 905.



Aug. 6, 1735.

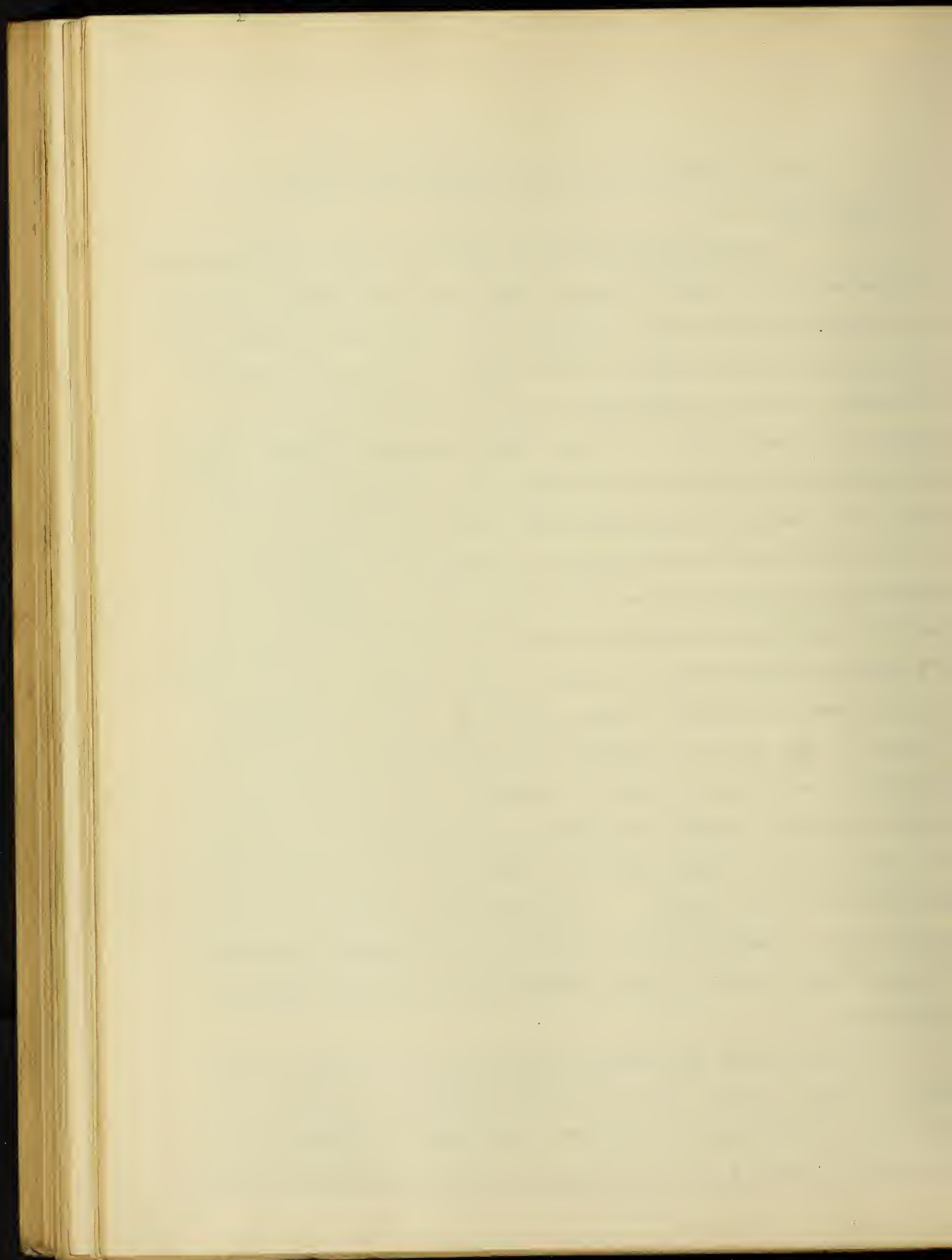
Lords of Trade to the Lords of the Privy Council.

"My Lords,

We have considered the humble petition of the Merchants and Traders of the City of Bristol, whose names are hereunto subscribed, referr'd to us by Your Lordships on the 1st day of November 1734 complaining of an Act pass'd in His Majesty's Province of New York intituled, "An Act to repeal the Act and to cancel the Bills of Credit thereinmentioned, and grant unto His Majesty several duties for supporting His Majesty's Government in the Colony of New York until the first day of September which will be in the year 1737"

We have been attended upon this occasion by the Agent for the Petitioners and have heard what he had to offer in support of that Petition and having considered the said Act and taken the advice of M^r Fane one of His Majesty's Council at Law thereupon we take leave upon the whole to observe to Your Lordships that by the following Clauses of this Act it is provided that there shall be paid to his Majesty for every slave, (male or female)" of four years of age and upwards imported directly from Africa, the quantity of five ounces or Sevil Pillar or Mexico Plate, or forty Shill: in Bills of Credit made current in this Colony. For every Negro, Mulatto, or Indian Slave (male or female) of four years of age and upwards imported & from all other places by land or water, the sum of four pounds in like money".

As these clauses are greatly prejudicial to the Trade & Navigation of this Kingdom, and are likewise expressly contrary to his Majesty's Instructions to the Gov^r of New York, by which he is directed not to pass any Act for imposing Duties upon Negroes payable

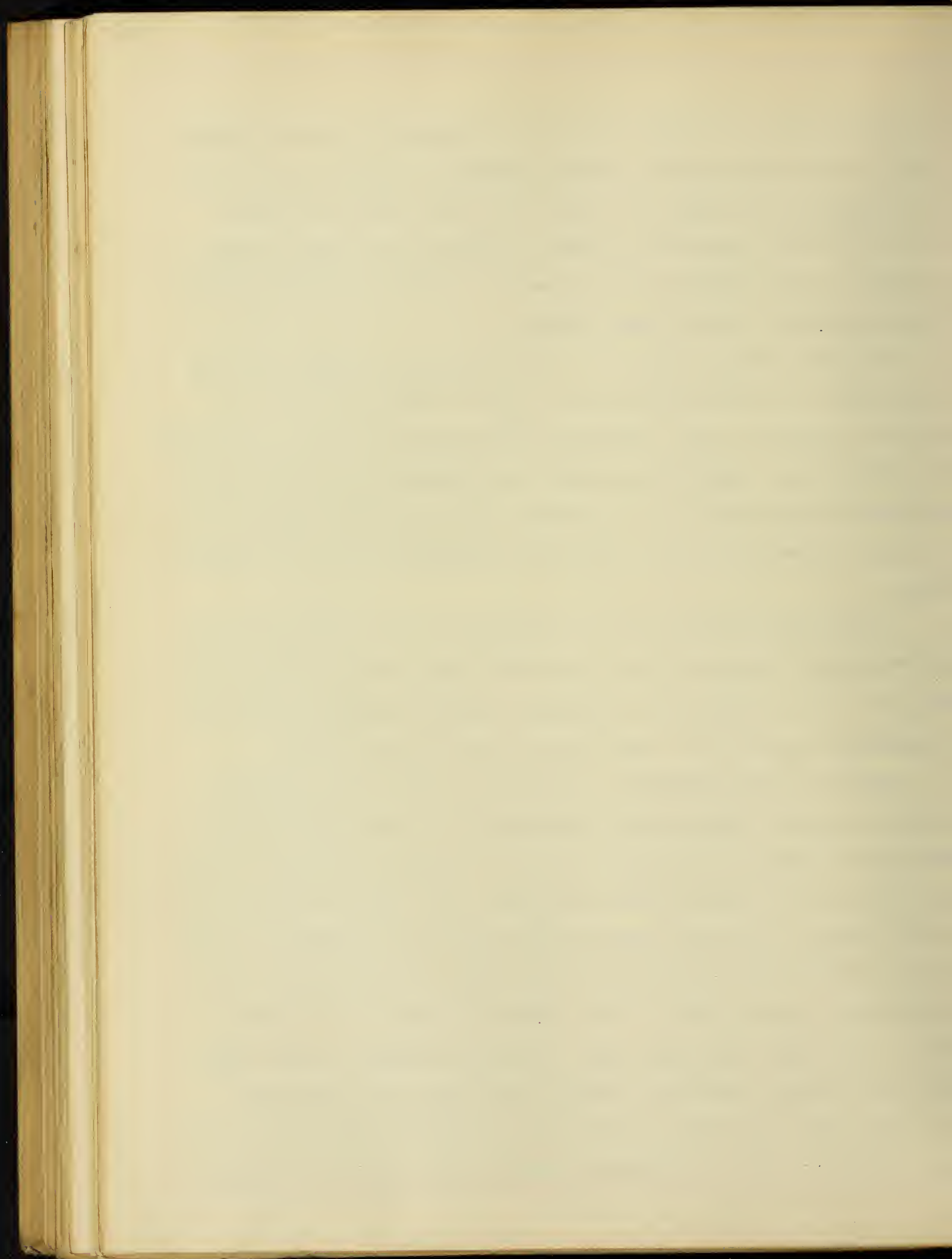


by the Importer, or whereby the Trade or Navigation of this Kingdom might be any ways affected, unless a clause be inserted in such Act for suspending the execution thereof till his Majesty's pleasure should be known concerning the same, we should for these reasons propose to Your Lordships that the Act in question might be laid before His Majesty for his Disallowance.

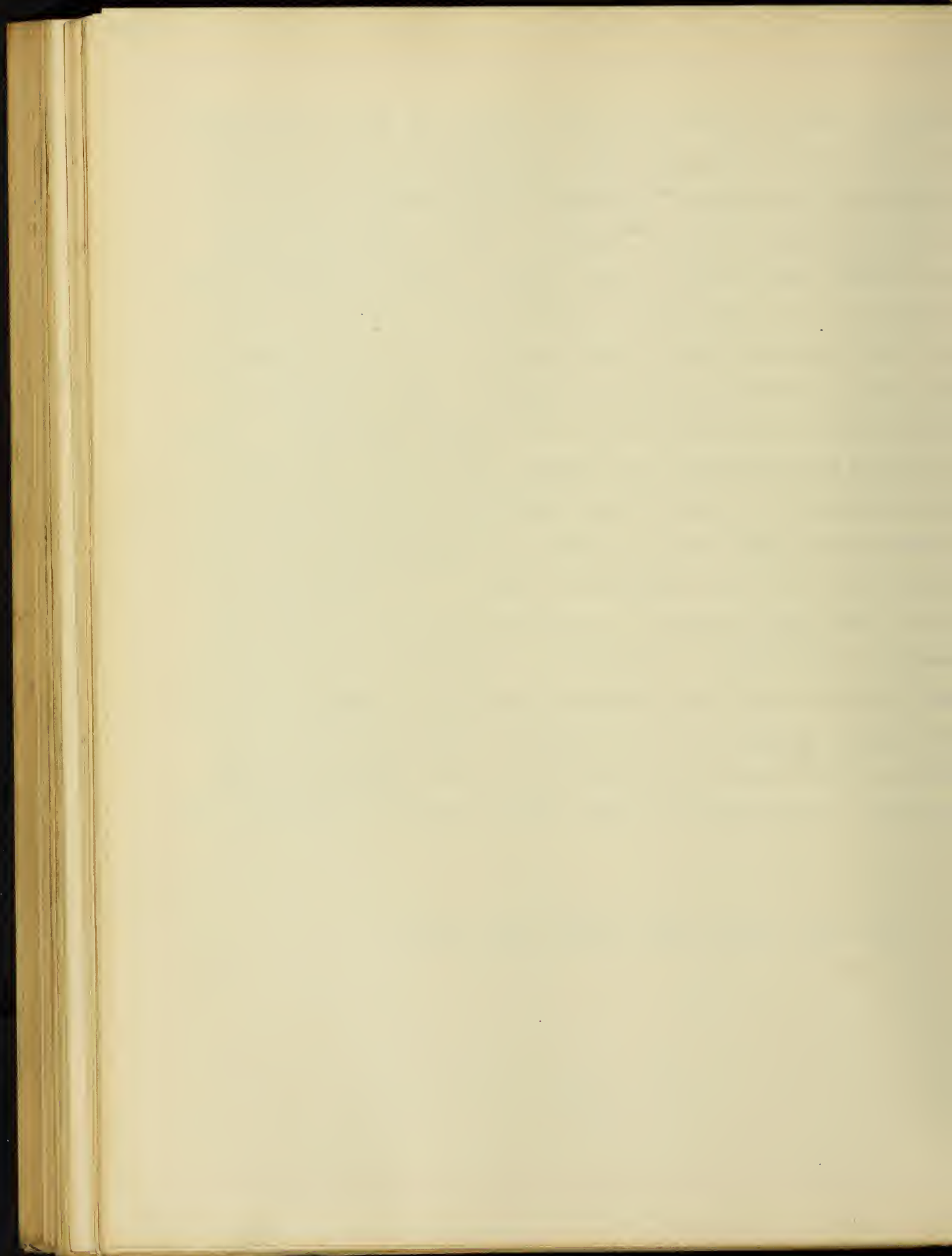
We take leave to transmit to Your Lordships the Draft such an Instruction as we have prepared upon these heads for the Govⁿ of New York, which, if Your Lordships should approve it may be immediately sent to him. But if the Council and Assembly of New York shall refuse to comply with this Instruction, we should then propose that the Act in question may be laid before His Majesty for his Disallowance".

"Additional Instruction to our Trusty and Wel beloved W^m Cosby Esq^r Our Cap^t General and Govⁿ in Chief in and over our province of New York and the Territories depending thereon in America or to the Commander in Chief of our said Province for the time being.

Whereas several Merchants and Traders of our City of Bristol have most humbly petitioned us complaining of an Act pass'd in our Province of New York entituled "An Act to repeal the Act and to cancel the Bills of Credit therein mentioned and to grant unto his Majesty several duties for supporting His Majesty's Government in the Colony of New York until the 1st day of Sep^r which will be in the year 1737", laying a Duty of five ounces of Plate or 40^s current mony of New York upon every slave (male and female) of four years of age or upwards imported directly from Africa, and four pound like mony upon every slave of the same age from any other place for all European or East India Goods Imported with proper certificates



from the British Islands in the West Indies, the sum of five pounds in like money for every £100 value prime Cost which Act having been examined by our Commiss^{rs} for Trade and Plantations is found to be directly contrary to the 18th Article of Your Instructions whereby you are expressly forbid to pass any law by which the trade or Navigation of this Kingdom may be any way affected declaring it to be our Royal Intention that no Duties shall be laid in the province under your Government upon British shipping or upon the Product or Manufactures of Great Britain upon any pretence whatsoever. It is therefore Our Express will and pleasure that you move our Council and Assembly of our said Province forthwith to pass a New Law for repealing the three foregoing Clauses and for providing and settling other funds for th like purposes not liable to the same objections, or at least that an Exception be made in favour of all Goods whatsoever of the Product or Manufacture of Great Britain; and that no Duty be laid on any Slaves Imported payable by the Importer, and you are also to signify our Royal Intention to our Council and the Assembly of our said Province that if they do not immediately comply with this our Instruction we shall repeal the Act now complained of".

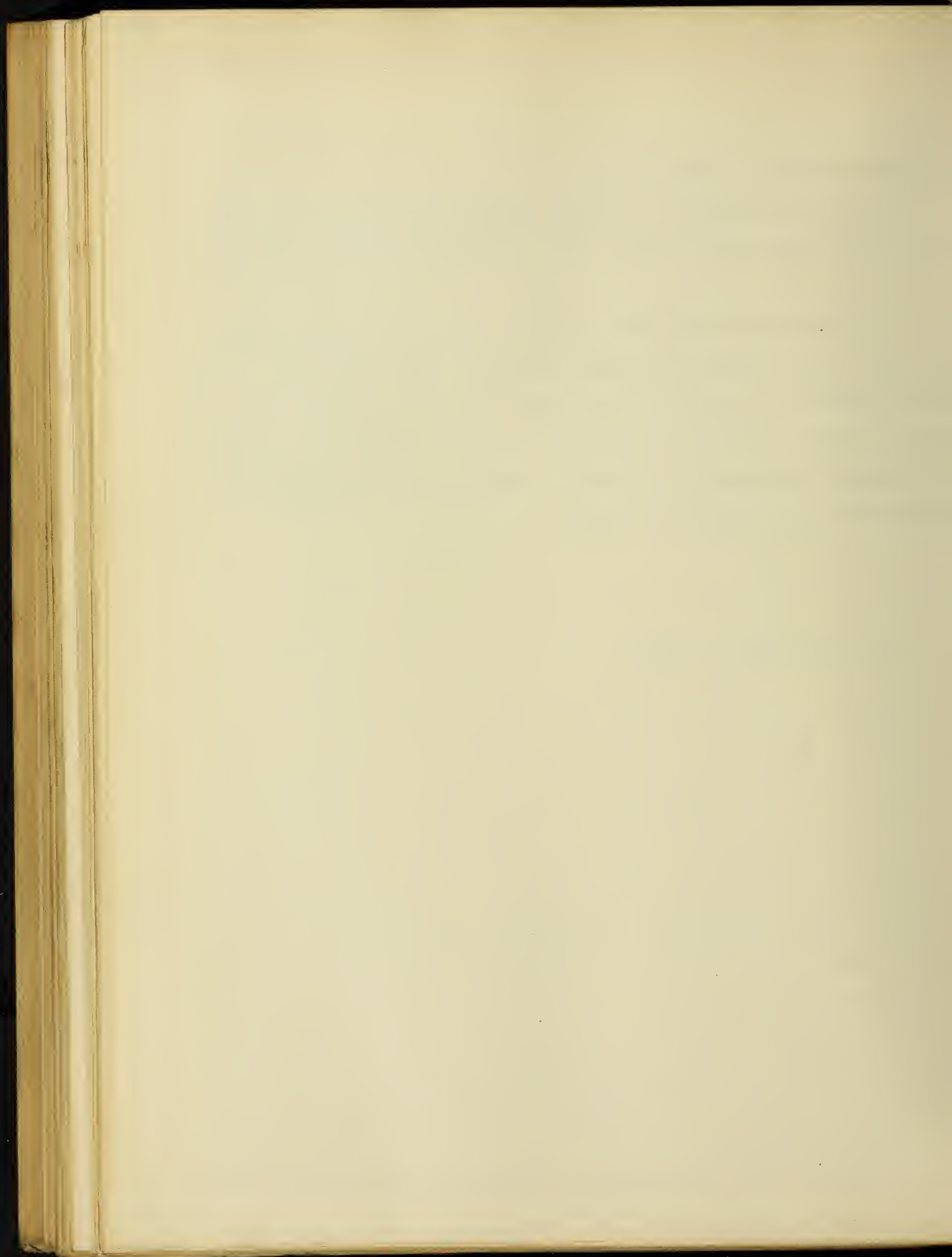


The third Monday of March, 1751.

"An Act to prevent all persons keeping house within this colony, from entertaining Indian, negro or mulatto servants or slaves".

" This Act provided that no Indian, Mulatto or negro servant or slave, may presume to be absent from the family whereto he or she shall respectively belong, or be found abroad in the night time, after 9 o'clock, unless it be upon some errand for his or her respective master or mistress, or owner. The act also prohibited all traffic with any servant or slave".

R. I. Col. Rec. V, 320.



"An Act for granting to His Majesty the several Duties and Impositions, on Coods, Wares and Merchandizes imported into this Colony, therein mentioned.

Pass'd the 12th December, 1753.

* * * * *

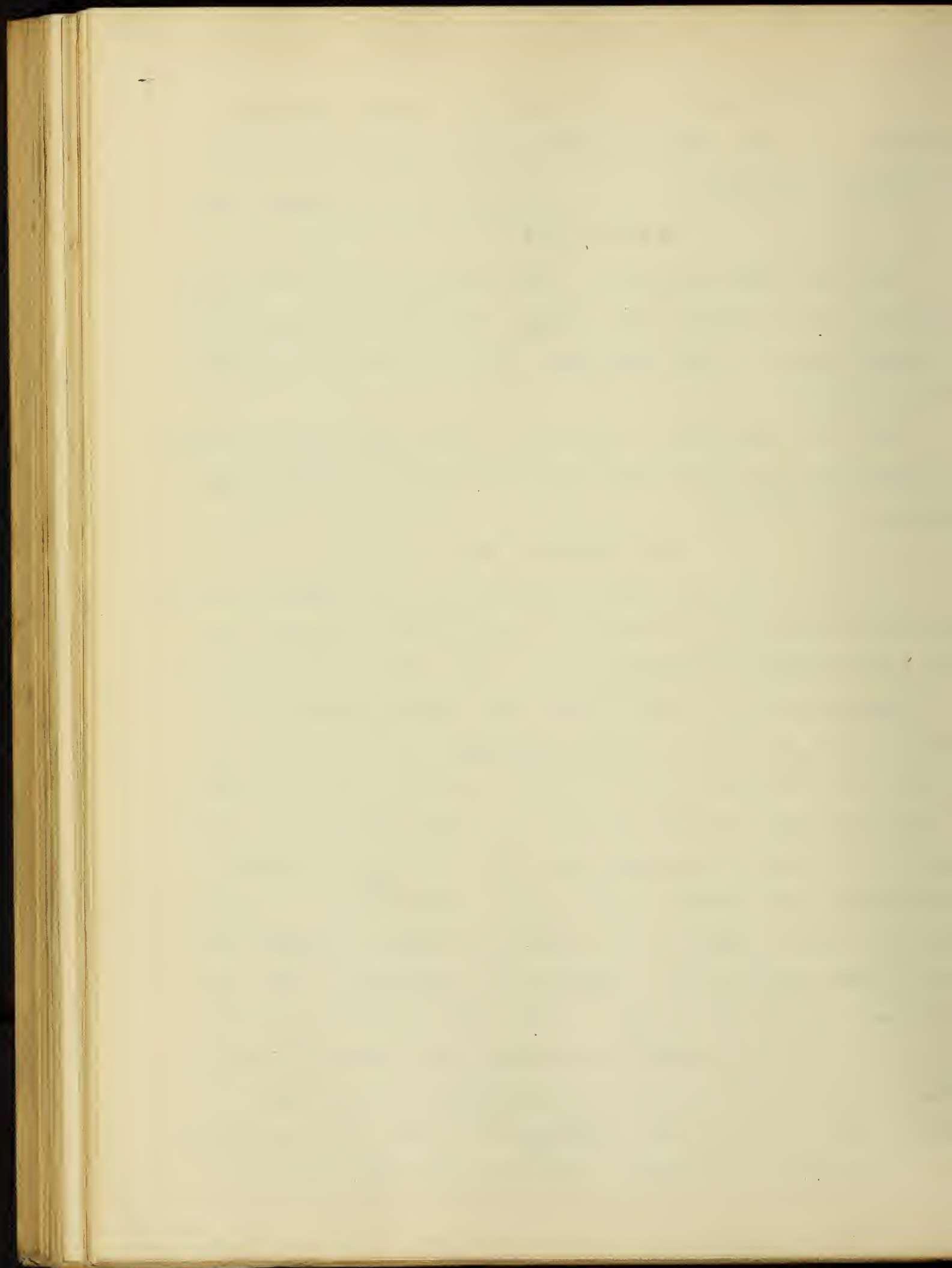
For every Negro, Mulatto, or other Slave, of Four Years old and upwards, imported directly from Africa, five Ounces of Sevil, Pillar or Mexico Plate, or Forty Shillings in Bills of Credit made current in this Colony.

For every such Slave as aforesaid, of four years old and upwards, imported from all other Places, by Land or Water, the Sum of Four Pounds, in like Money.

* * * * *

II. And to avoid and clear up Disputes that may happen concerning the Duty on Slaves; Be it Enacted by the Authority aforesaid, That all Slaves imported from Africa, in the same Vessel which took them on board on any Part of that Coast, shall pay no greater Duty for each of them, than the said Forty Shillings. tho' such Vessel had stopp'd at, or entered in any other Port or Ports, before her Arrival here: Provided, The Master or Mate, and some other Officer, which came in such Vessel from Africa, make Oath before the Treasurer of this Colony, That the Slave or Slaves, so import^{ed}~~ant~~ here, had been actually taken on Board of that Vessel on the Coast of Africa, and had not been landed or put on Shore in any other Place, after the same had been so taken on board of that Vessel, on the said Coast.

III. And be it Provided and Enacted by the Authority aforesaid, That all such Slaves as belong to the Navigation of any Vessel, or coming from, or going to the neighboring Colonies, upon the Service of their Masters or Mistresses, and such as are under the Age of

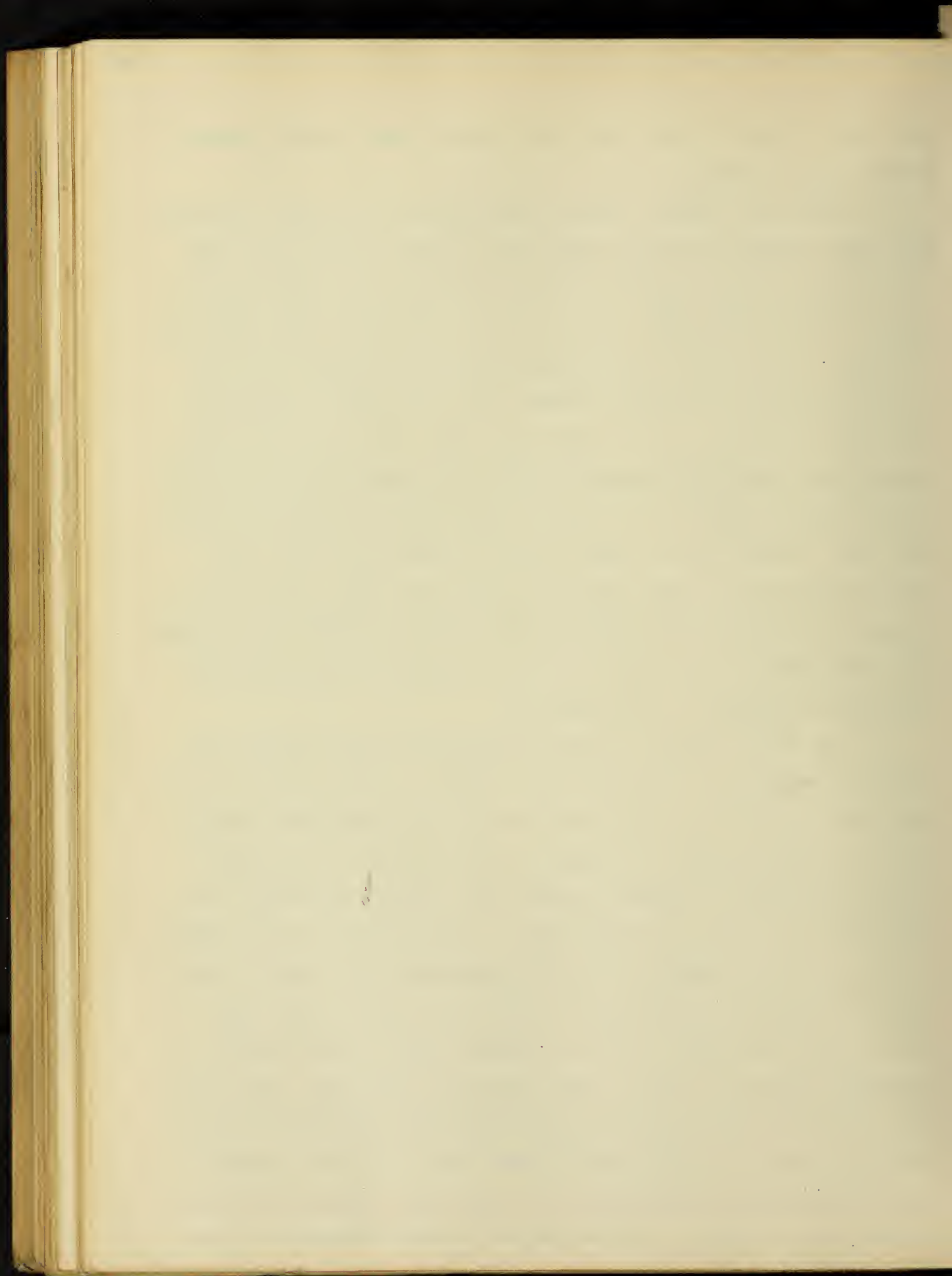


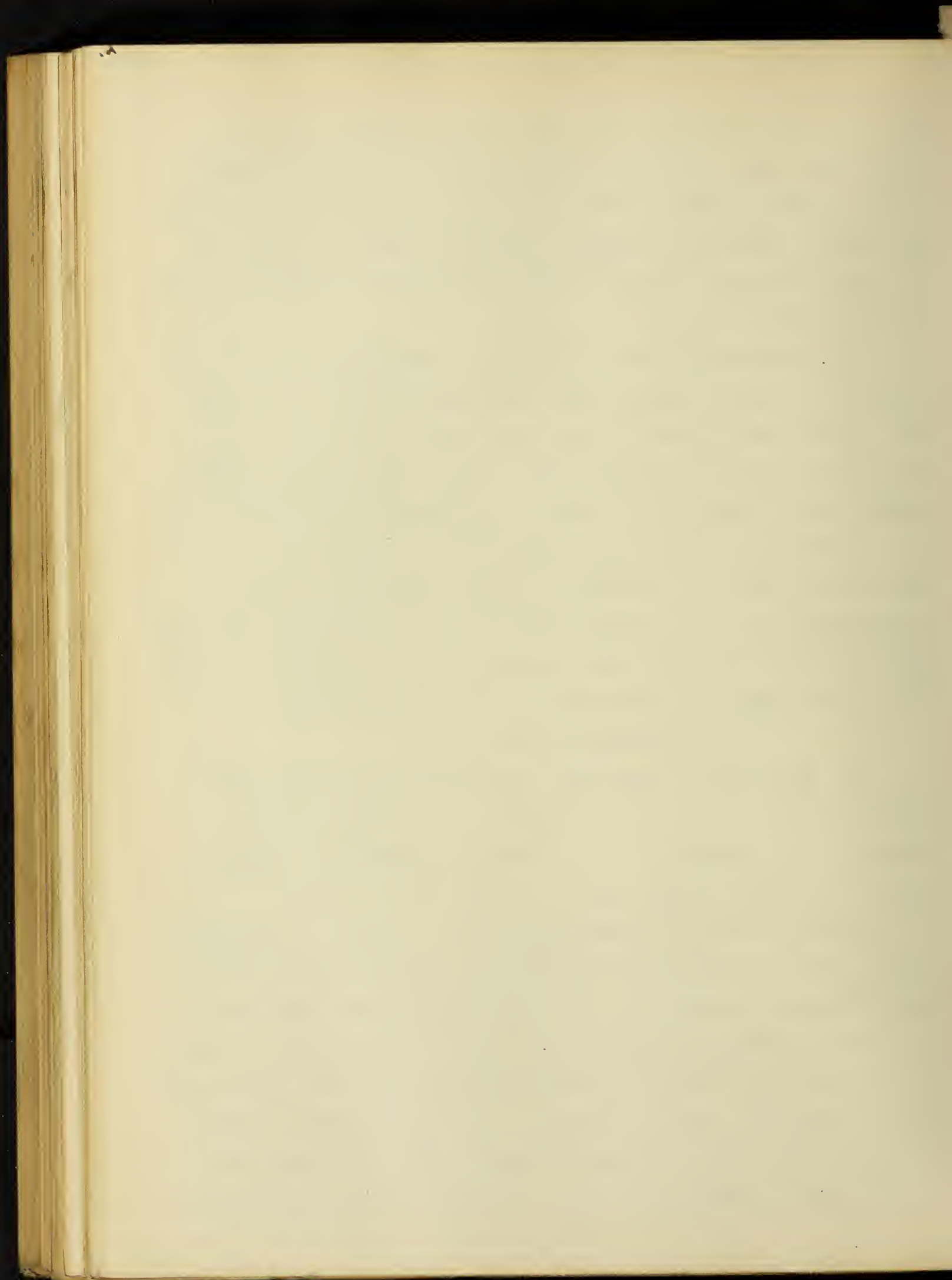
four Years; shall be, and hereby are exempted from the Duty imposed by this Act, on Slaves.

IV. And be it further Provided and Enacted by the same Authority, That every Person or Persons coming here singly or with their Families, either for the Recovery of their Healths, or to reside in the City or Colony of New-York, shall be allowed Duty free, all such Slave or Slaves, as he, she or they, shall bring with them, for his, her or their particular Service: Provided, That the Owner or Owners of such Slave or Slaves, shall, within four Days after the Importation thereof give sufficient Security to the said Treasurer, that whenever such Slave or Slaves is, or shall be sold, the Duty imposed by this Act, shall be paid for the same, within two Days after such Sale: And upon Failure of paying such Duty within that Time, the Owner or Disposer of such Slave or Slaves, shall forfeit the Sum of Ten Pounds, for every Slave so sold; and the Slave or Slaves so sold, shall nevertheless be subject to the said Duty.

V. And if any Disputes arise concerning the Age of Slaves during the Continuance of this Act; Be it Enacted by the Authority aforesaid, That the Slave or Slaves about which the Disputes may happen, shall be brought before, or viewed by, two Justices of the Peace, and their Opinion or Judgment thereon shall finally determine, whether such Slave shall be deemed under or above the Age of four Years.

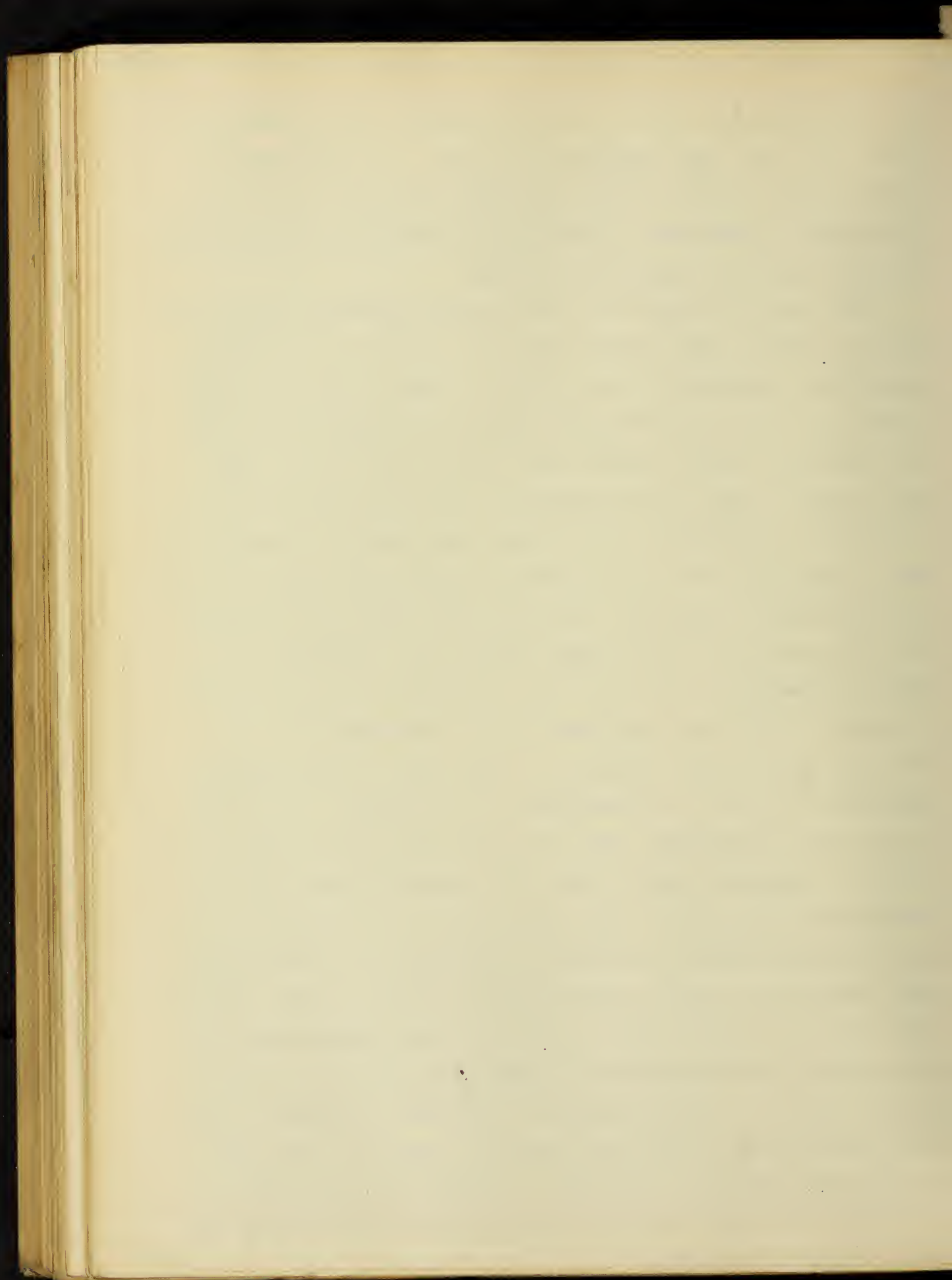
VI. And be it Enacted by the same Authority, That such of the Slaves so imported as aforesaid, as shall die within Thirty Days after his or her Arrival, shall be exempted from the Duty before mentioned: Provided, Proof be made upon Oath, before the said Treasurer, That he or she was sick at the Time of the Importation thereof. And if any Slave or Slaves shall be sent from the British Islands, for the Recovery of their Health, the same shall likewise be exempted from the said Duty: Provided, Proof is made in Manner as afore-





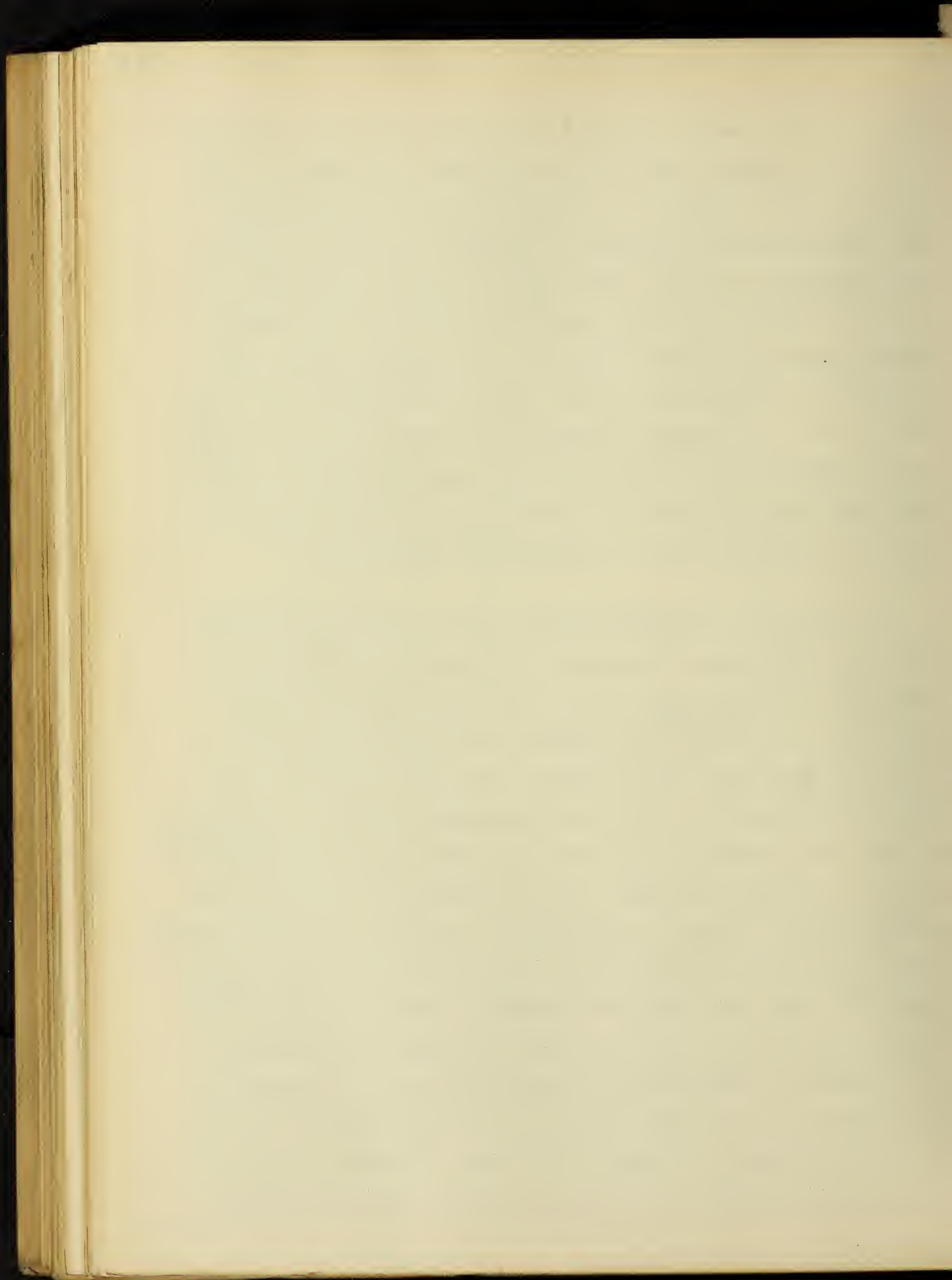
the said Importer^s to pay to the said Treasurer for his Trouble & therein, the Sum of One Shilling, and no more; and the Seller or Sellers of such Slave or Slaves, are hereby obliged to deliver to the Purchaser or Purchasers thereof, such Certificate, for Proof that the Duty is paid for such Slave or Slaves.

VIII. And be it Enacted by the Authority aforesaid, That if any Person or Persons, shall suspect any Slave or Slaves to have been clandestinely imported into this Colony, by Land or Water; it shall be lawful for every such Person and Persons, to enquire of the Owner or Possessor thereof, whether Duty has been paid for the same, and to demand a Sight of the Treasurer's Certificate thereof: And if the Owner or Possessor of such Slave, shall refuse to produce the same, it shall be lawful for the Person demanding such Sight, to summons such Owner or Possessor, before the next Justice of the Peace; and if he or she, do then and there produce such Certificate, the Person so summoned is only to pay for the Summons, and the Charges of serving it; and then such Slave is to be discharged: And if no such Certificate is then produced, the said Owner or Possessor^r, is immediately to enter into Recognizance to his Majesty, in the Value of such Slave; Conditioned, That he or she shall produce such a Certificate as aforesaid, within a Time to be limited therein, not exceeding Thirty Days: And if such Certificate is not produced at or before the ~~E~~xpiration of the Time so limited, the said Recognizance shall be forfeited, and is hereby directed to be put in Suit accordingly: But if the Party refuse to enter into such Recognizance, the said Justice is hereby required to commit the said Slave into safe Custody: And if no such Certificate as aforesaid is produced to the said Justice within Thirty Days thereafter; then and in such Case, the said Slave shall be, and hereby is declared to be forfeited to his Majesty, and shall be sold at publick Vendue to the highest Bid-



der by the said Justice, assisted^d by two other Justices, one whereof to be of the Quorum, giving at least Ten Days publick Notice before such Sale: And of what shall be recovered upon the Forfeiture of such Recognizance as aforesaid, or the Money to arise by the Sale before mentioned, One Half shall be paid to the said Treasurer, to and for his Majesty's Service, and the other Half to the Person or Persons who shall take out a Summons in the Manner aforesaid; the Charges of the Prosecution and Sale being first deducted out of the Whole. And for the Damages Purchasers may sustain, by having bought a Slave clandestinely imported into this Colony, whether by Land or Water; he, she or they shall have their Remedy at Law, against the Person or Persons who sold the same to him, her or them.

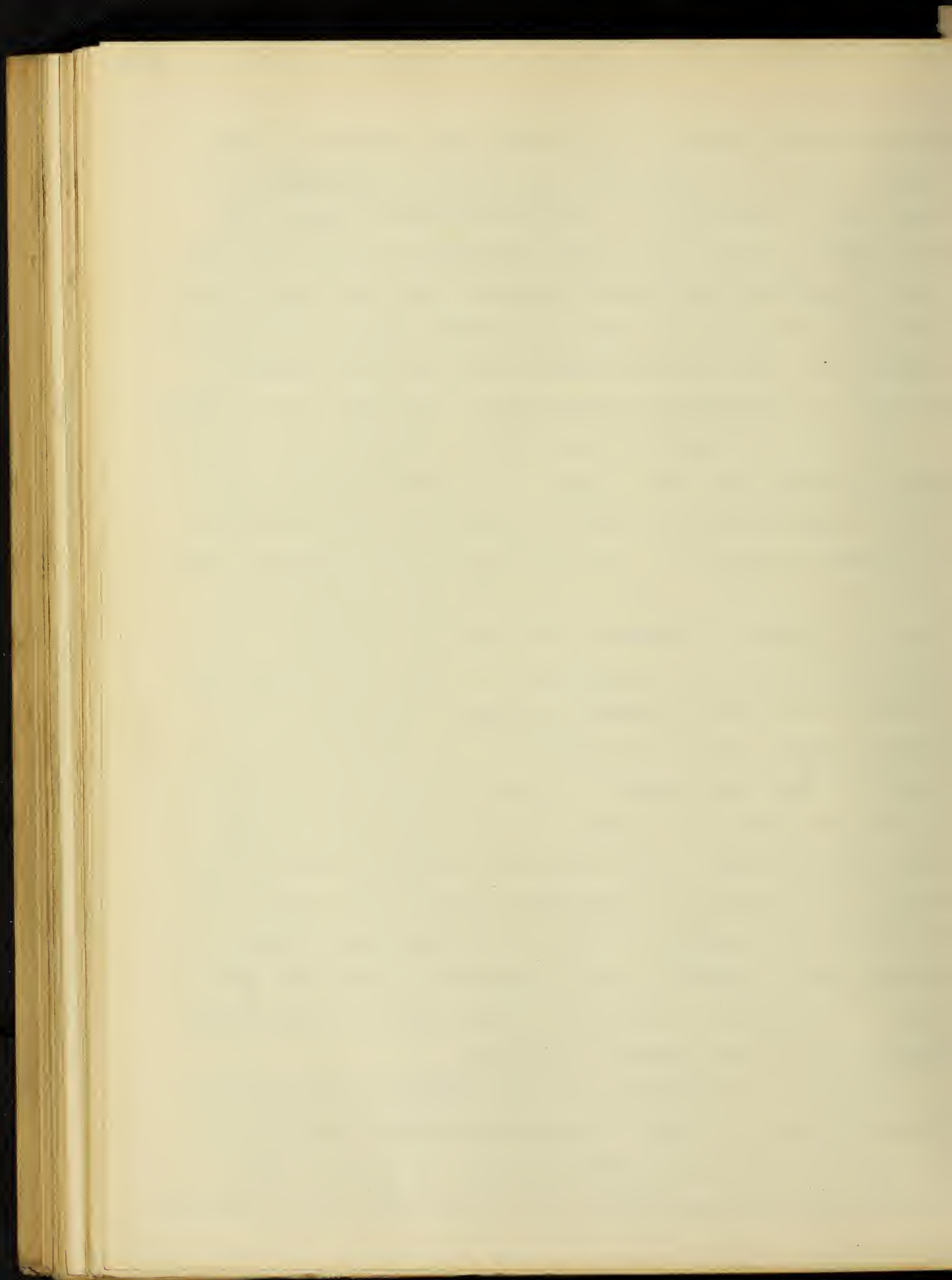
XI. And as all due Encouragement should be given to direct Importations, so a proper Distinction should be made on Importations, which may be attended with Frauds, as the Case has too often happened: Be it therefore^{Enacted} by the Authority aforesaid, That instead of the Duty hereinbefore laid on Slaves, there shall be, and hereby is given to his Majesty, his Heirs and Successors, a Duty of Five Pounds, on every Slave upwards of four Years old, that shall be imported by Land, in the County of Albany, or in the County of Ulster, or in Dutchess County, during the Continuance of this Act, under the Inspections, Regulations and Restrictions herein after-mentioned; to wit, Every such Slave which shall be imported by Land in any of the said Counties shall, within three Days after the same shall be brought in the Limits of those Counties respectively, shall be reported by the Importer, or some other Person in his or her Behalf in the Manner following, That is to say; In the County of Albany, to the Mayor of the City of Albany, and in the Counties of Ulster and Dutchess,



to the respective Judges of the Inferior Courts thereof; and such Reporter shall, at the same Time, pay the Sum of Five Pounds, for every Slave so reported to the Person receiving[~] such Report; who is thereupon to give to him or her a Certificate under his Hand and Seal, in the Form herein before prescribed, that Duty is paid by him or her for the Slave to be named and described therein; and such Certificate shall be of the same Force and Effect as those directed to be given by the Treasurer, for the Space of Sixty Days, and no longer.

XII. And be it Enacted by the Authority aforesaid, That the payment of the said Duty shall be made, in the Manner above-mentioned, such of the said Persons who receive the same are, with all convenient Expedition thereafter, to give an Account to the Treasurer, when and by whom such Duty is paid, and for what Slave, describing the same in the Manner as aforesaid, and to transmit therewith, to the said Treasurer, the Sum of Four Pounds, for every Slave so reported to him; and the remaining Twenty Shillings, he may retain for his Trouble therein: And the said Treasurer is, for every Slave he so receives the said Four Pounds of, to send, with the like Expedition, to the Persons who remit the Money to him, a Certificate for such Slave, under his Hand, in the Form before prescribed; which Certificate is to be exchanged for that which is given in the County, and the latter to be canceled: And such of the before-named Persons, as shall omit or neglect to give such Account, or make such Remittance to the Treasurer, as aforesaid, shall forfeit the Sum of Ten Pounds, for every such Omission or Neglect.

XIII. And be it Enacted by the same Authority, That all Slaves imported by Land, into any of the Counties aforesaid, as shall not be reported in the Manner before-mentioned, and within the Time hereby limited for that Purpose, shall be forfeited: And all the said



Forfeitures shall and may be recovered by any Person or Persons, in any Court of Record; one Half whereof is to be paid to the Treasurer to and for his Majesty's Service, and the other Half to Him or them that shall sue for and prosecute the same ^{to} ~~for~~ Effect.

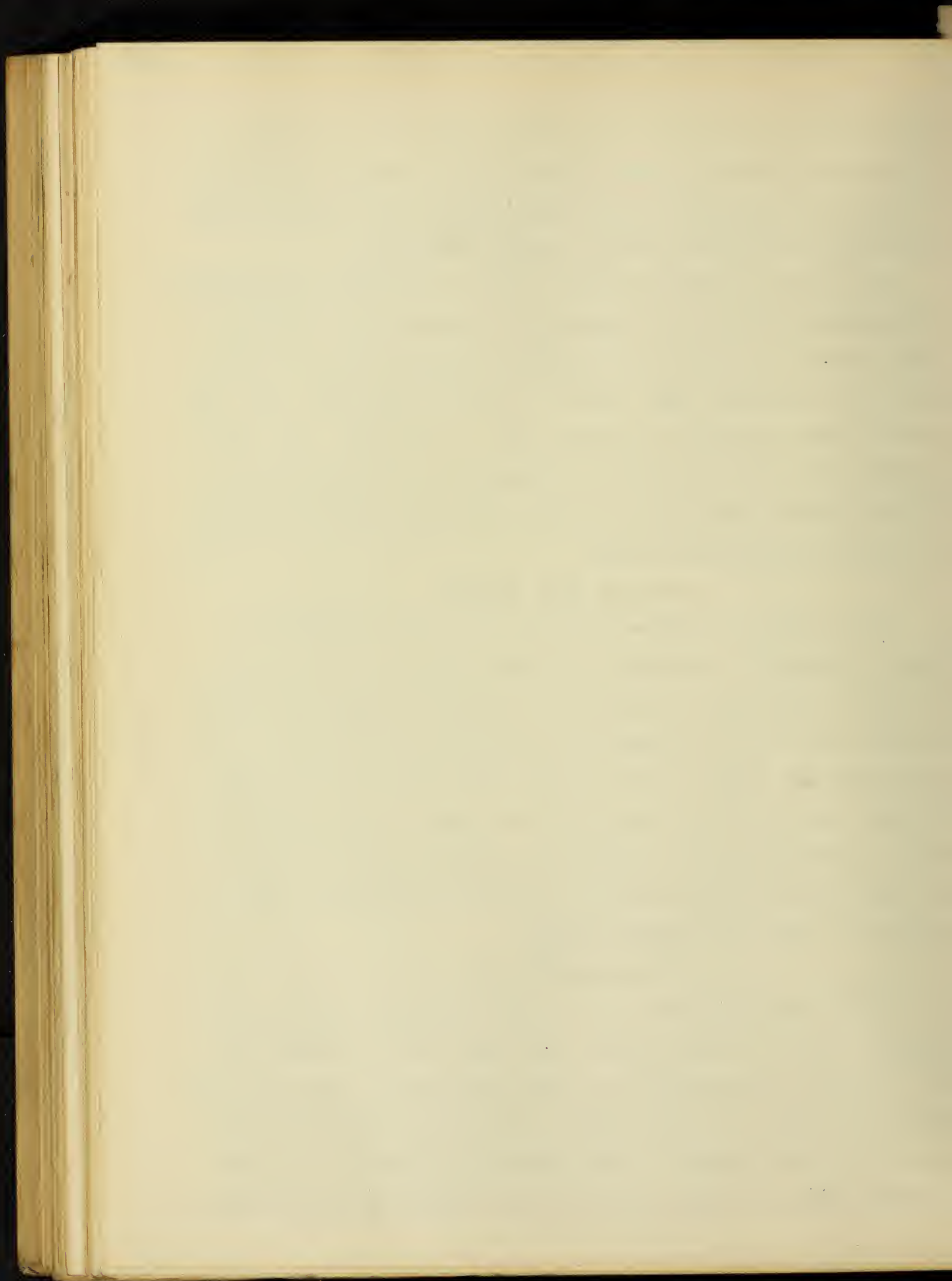
XIV. And be it always Provided, and be it Enacted by the Authority aforesaid, That if any Purchaser of a Slave, shall by Fire or other Accident, have lost the Certificate hereby directed to be given by the Treasurer, shall prove, by credible Witnesses, that they had seen such Purchaser to have had such a Certificate; then, and in ^u such Case, such Proof shall be allowed to be of equal Force as the Certificate itself would have been; any Thing herein contained to the contrary notwithstanding.

* * * * *

XXVI. And be it further Enacted by the Authority aforesaid, That all Masters or Commanders of Vessels coming into this Colony, to trade or traffick, who shall omit or neglect to make such Report, and take such Oath or Affirmation, as aforesaid, to and before the said Treasurer, within the Time before mentioned for that Purpose, or shall land or put on Shore within the Limits of this Colony, any of the beforementioned dutiable Goods, (except Slaves attending on their Masters or Mistresses;) he and they so offending, shall forfeit the Sum of One Hundred Pounds,.

* * * * *

XXVII. And be it Enacted by the same Authority, That if any Merchant, Factor or other Person, shall land or put on Shore, any of the before mentioned dutiable Goods, before he or they have duly entered the same with the Treasurer, and paid, or secured the Payment of the Duty thereof, to him, according to this Act; all such dutiable Goods, so landed or put on Shore (except Slaves attending



on their Masters and Mistresses) shall be forfeited, recovered, applied and divided in the Manner before mentioned".

Chap. DCCCCXLVIII. Laws of N. Y. 1691-1773, I, 325 et seq.

p. 341 Cont'd by Chap. DCCCCLVIII. Dec. 7, 1754.

p. 351 " " " DCCCCXCIV. Dec. 22, 1755.

p. 364 " " " MXXXVII. Dec. 1, 1756.

p. 365 " " " MXLVI Dec. 24, 1757.

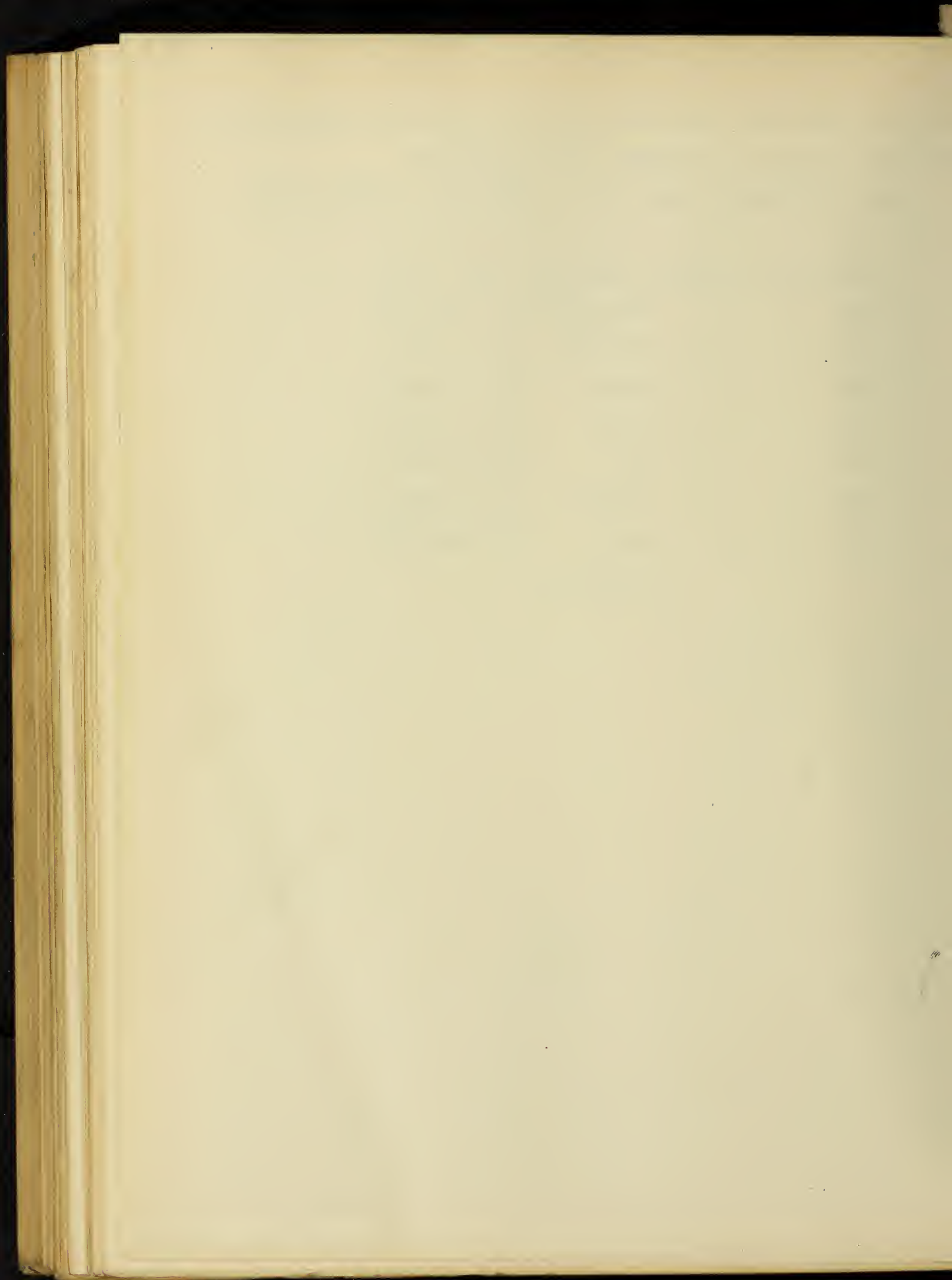
p. 370 " " " MLXV Dec 16, 1758.

p. 376 " " " MXC Dec 24, 1759.

p. 385 " " " MCXXVI Nov. 8, 1760.

p. 396 " " " MCLV Dec. 31, 1761.

" " " MCLXXXIII.



The second Monday in June, 1774.

"An Act prohibiting the importation of Negroes into this Colony.

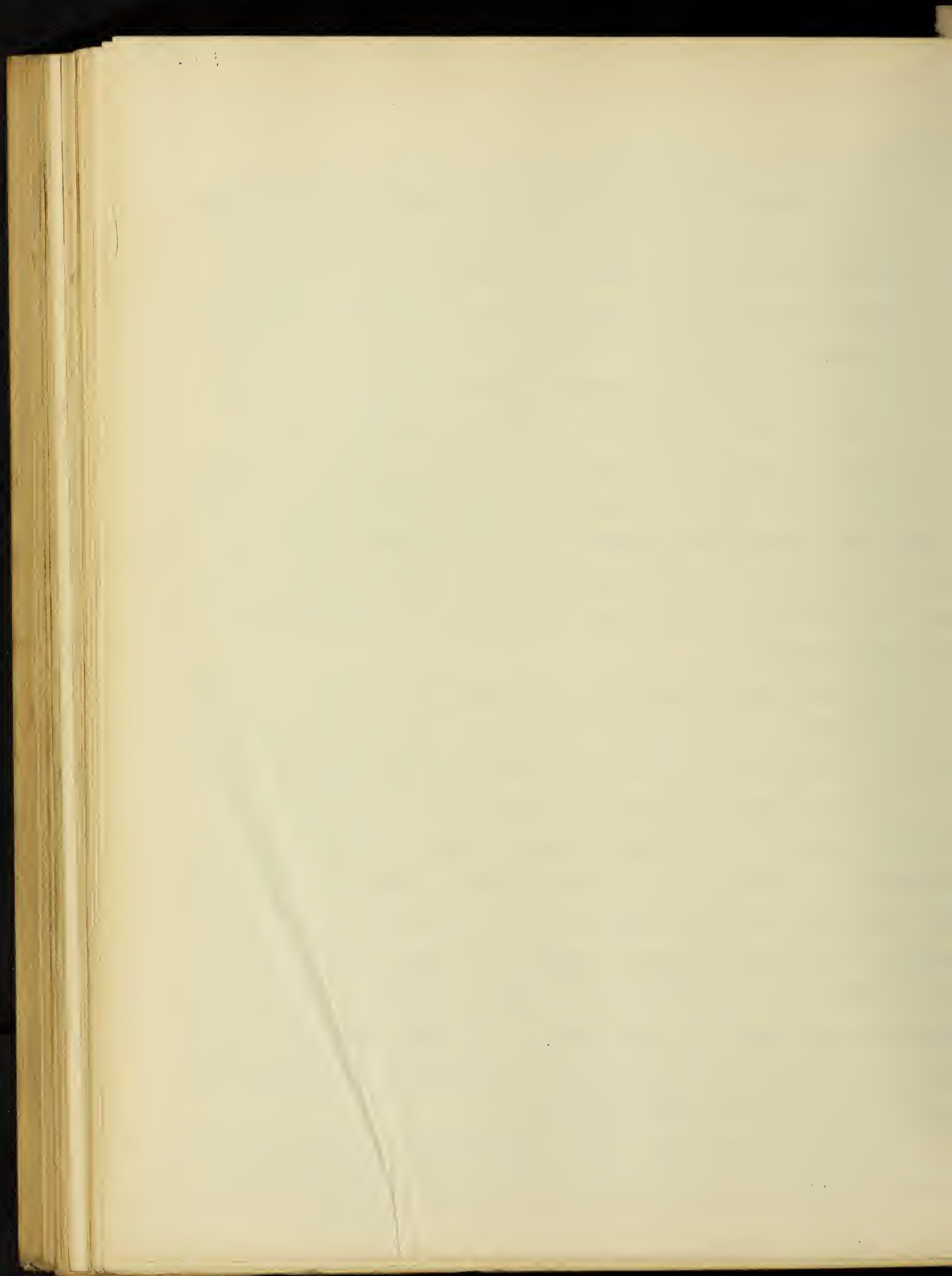
Whereas, inhabitants of America are generally engaged in the preservation of their own rights and liberties, among which, that of personal freedom must be considered as the greatest; as those who are desirous of enjoying all the advantages of liberty themselves, should be willing to extend personal liberty to others, -

Therefore, be it enacted by this General Assembly, and by the authority thereof it is enacted, that for the future, no Negro or mulatto slave shall be brought into this colony; and in case any slave shall hereafter be brought in, he or she shall be, and are hereby, rendered immediately free, so far as respects personal freedom, and the enjoyment of private property, in the same manner as the native Indians.

Provided, nevertheless, that this law shall not extend to servants of persons passing through this colony, who are not inhabitants thereof, and who carry them out with them, when they leave the same.

Provided, also, that nothing in this act shall extend, or be deemed to extend, to any negro or mulatto slave, belonging to any inhabitant of either of the British colonies, islands, or plantations who shall come into this colony, with an intention to settle or reside, for a number of years, therein; but such negro or mulatto, so brought into this colony, by such person inclining to settle or reside therein, shall be, and remain, in the same situation, and subject in like manner to their master or mistress, as they were in the colony or plantation whence they remove.

Provided, nevertheless, that if any persons, so coming into this colony, to settle or reside, as aforesaid, shall afterwards remove



out of the same, such person shall be obliged to carry all such negro or mulatto slaves, as also all such as shall be born from them, out of the colony with them.

* Provided, also, that nothing in this act shall extend, or be deemed to extend, to any negro or mulatto slave brought from the coast of Africa, into the West Indies, on board any vessel belonging to this colony, and which negro or mulatto slave could not be disposed of in the West Indies, but shall be brought into this colony.

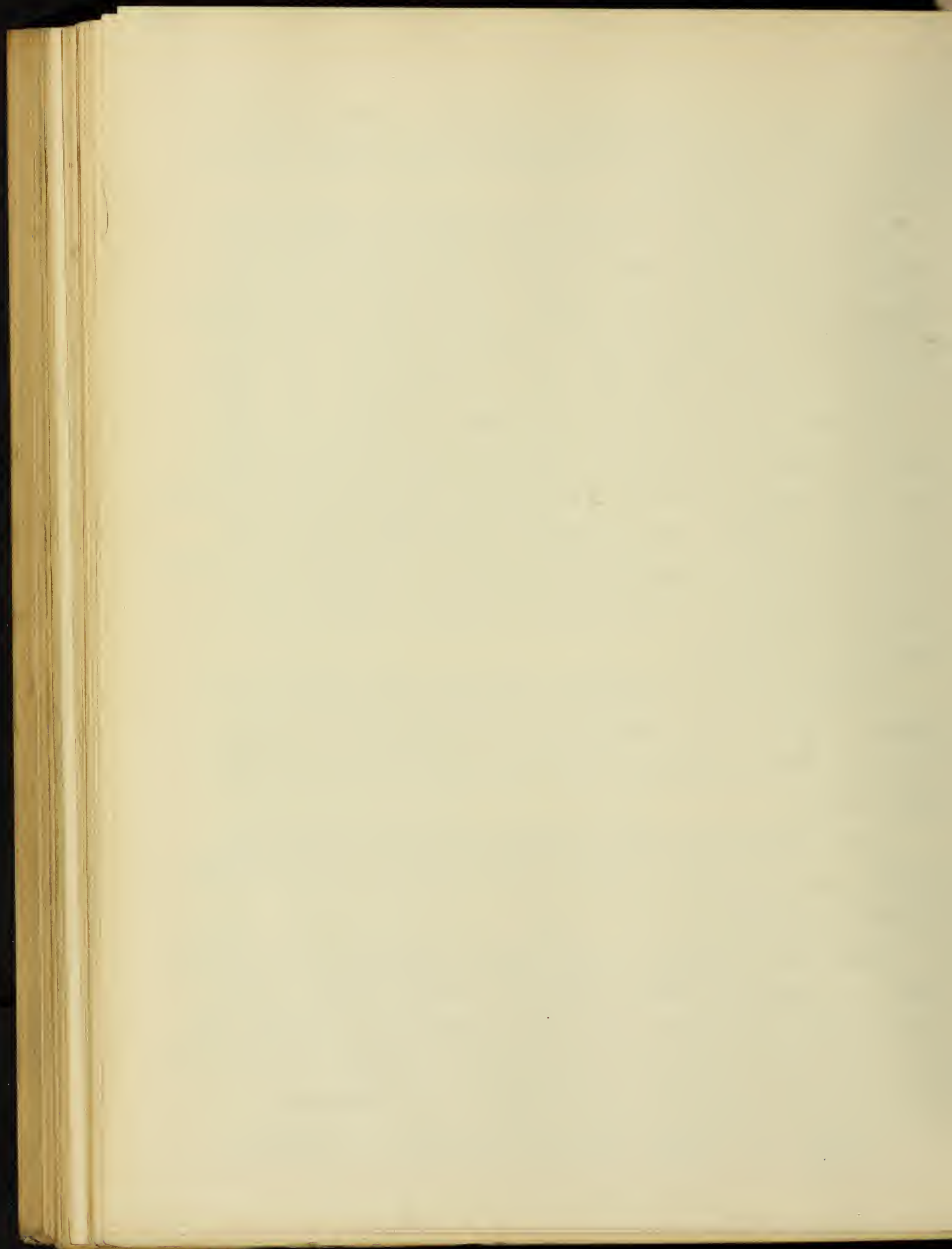
Provided, that the owner of such negro or mulatto slave give bond to the general treasurer of the said colony, within ten days after such arrival in a sum of £100, lawful money, for each and every such negro or mulatto slave so brought in, that such negro or mulatto slave shall be exported out of the colony, within one year from the date of such bond; if such negro or mulatto be alive, and in a condition to be removed.

Provided, also, that nothing in this act shall extend, or be deemed to extend, to any negro or mulatto slave that may be on board any vessel belonging to this colony, now at sea, in her present voyage.

And to prevent any slave or slaves from being clandestinely brought into this colony, in order that they may be free and liable to become chargeable, -

Be it further enacted, by the authority aforesaid, that all persons, so offending, shall be liable to, and pay, a fine of £100, lawful money, for each and every one so brought in, to and for the use of the colony, to be recovered in the same manner that other fines and forfeitures usually are, by the laws of this government.

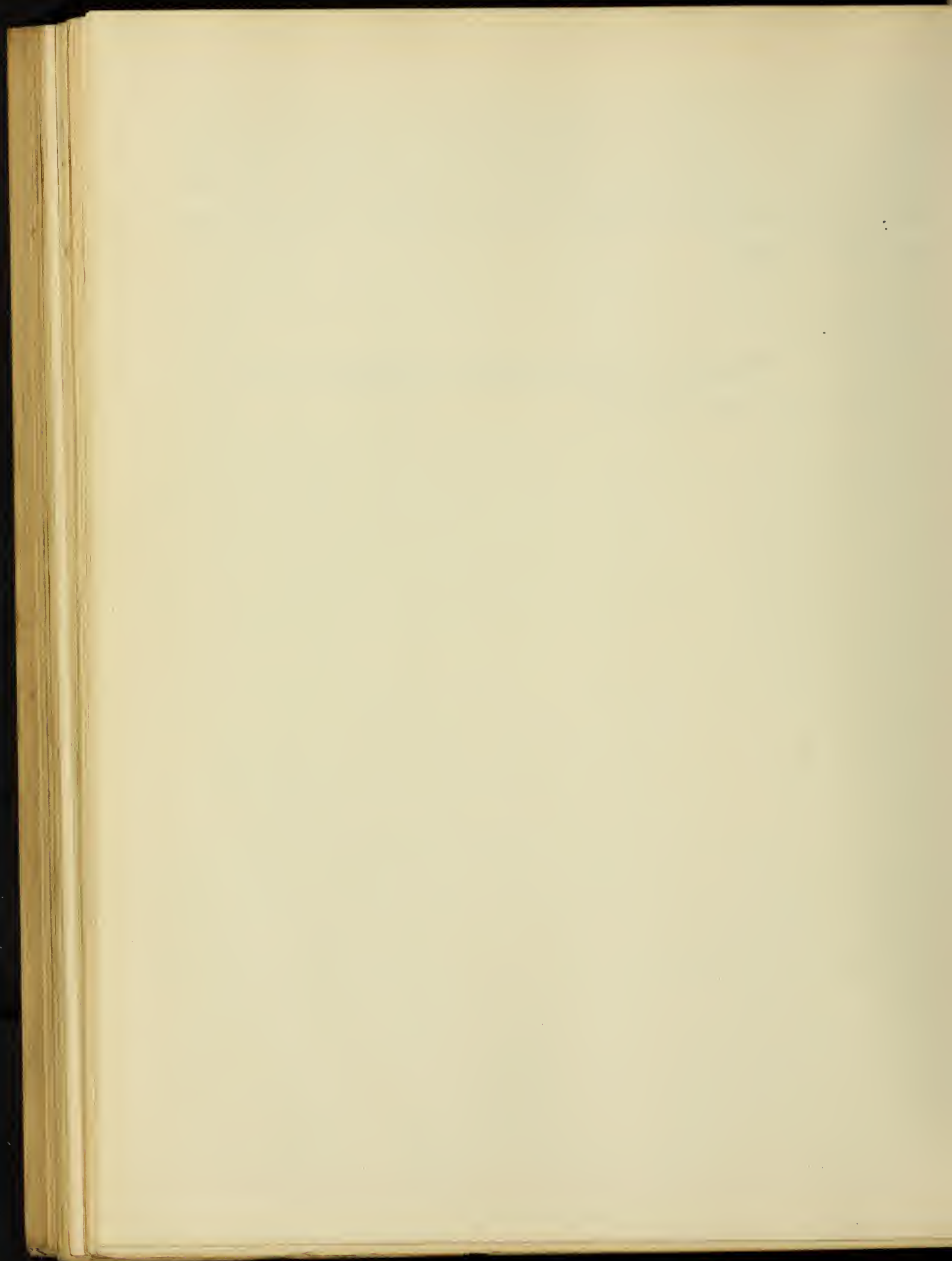
And also, all persons who shall be convicted of receiving,



harboring, or concealing, any such negro or mulatto slave, within this colony, he or they, so offending, shall be liable to the like penalty, to be recovered and applied in the same manner; and such negro or mulatto shall be sent out of the colony, as other poor persons are, by law".

* Repealed on the last Monday in February, 1784.

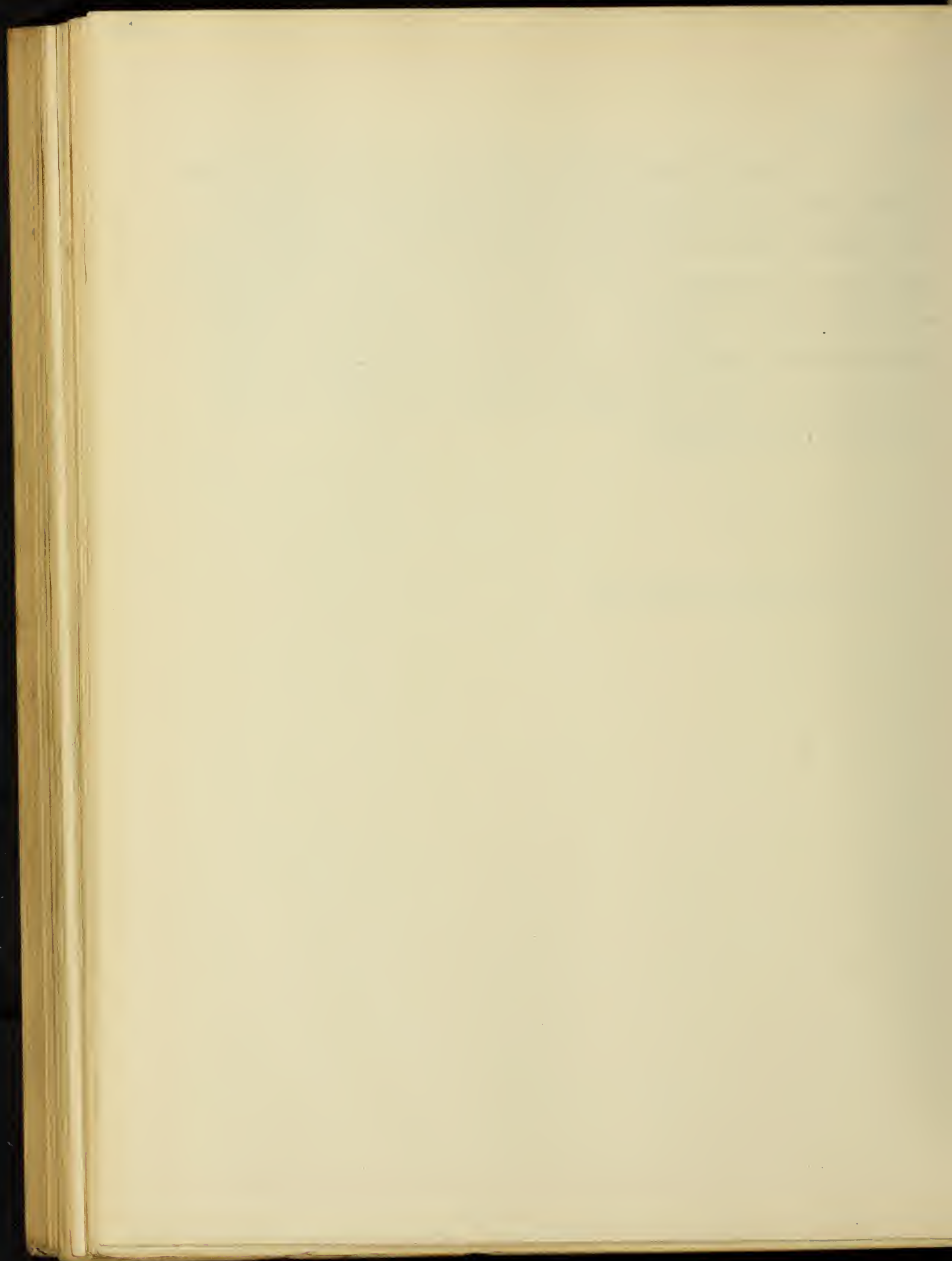
R. I. Col. Rec. VII, 251.



Mar. 9 1778.

"It is voted and resolved that the masters of all negro slaves who are bound out as apprentices, that already have enlisted, or shall enlist into the Continental service, shall be entitled to receive out of the general treasury the annual interest of the sum the said slave shall be appraised at, until the expiration of their apprenticeships; and that the money remain in the treasury until the expiration of the said apprenticeships, and then be paid to the owner without interest".

R. I. Col. Rec. VIII, 376.



The fourth Monday in August, 1779.

"Whereas, it is represented unto this Assembly, that Joshua Randall, of Stonington, in the state of Connecticut, as factor for one John Rice, calling himself of Hartford, in the state of Connecticut aforesaid, purchased of Carder Hazard, of South Kingstown, Esq., a negro woman, and three children, to reside with the said John Rice, at Hartford; but that since it appeareth, that the said woman and children were purchased to be carried to the state of North Carolina; wherefore, -

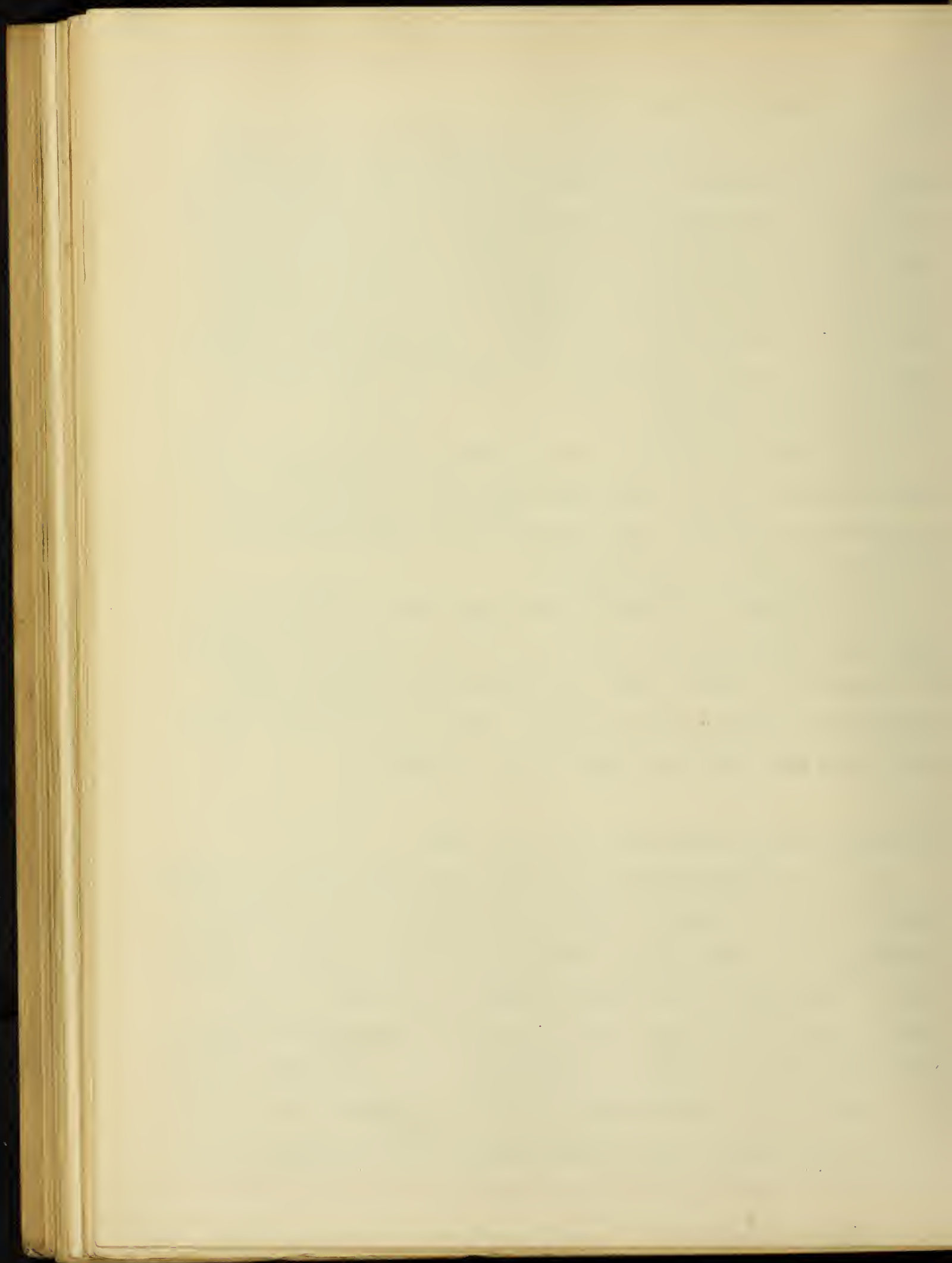
It is voted and resolved, that the sheriff of the county of X Kings forthwith take the said negro woman and her children into his possession; and that they remain with the said sheriff until the further orders of this Assembly.

And it further voted and resolved, that Rowse J. Helme, David Howell and Welcome Arnold, Esqs., be, and they are hereby, appointed a committee to draft a bill for preventing slaves from being purchased and carried from this state, without the consent of such slaves; and that they make report to this Assembly".

The second Monday in September, 1779. (p. 586).

"It is voted and resolved, that the negro woman and her children, lately purchased by Joshua Randall, of Stonington, in the state of Connecticut, of Carder Hazard, Esq., who were taken into the possession of the sheriff of the county of Kings, by an order of this Assembly, passed at the last session be sold to such person or persons, within this state, as shall be approved of by the said Carder Hazard.

That the said Joshua Randall pay all the expenses that have accrued, or may accrue, upon the said negroes, in consequence of the



said order; and that the said sheriff keep possession of the said negroes, until they shall be sold as aforesaid".

R. I. Col Rec. VIII, 576.

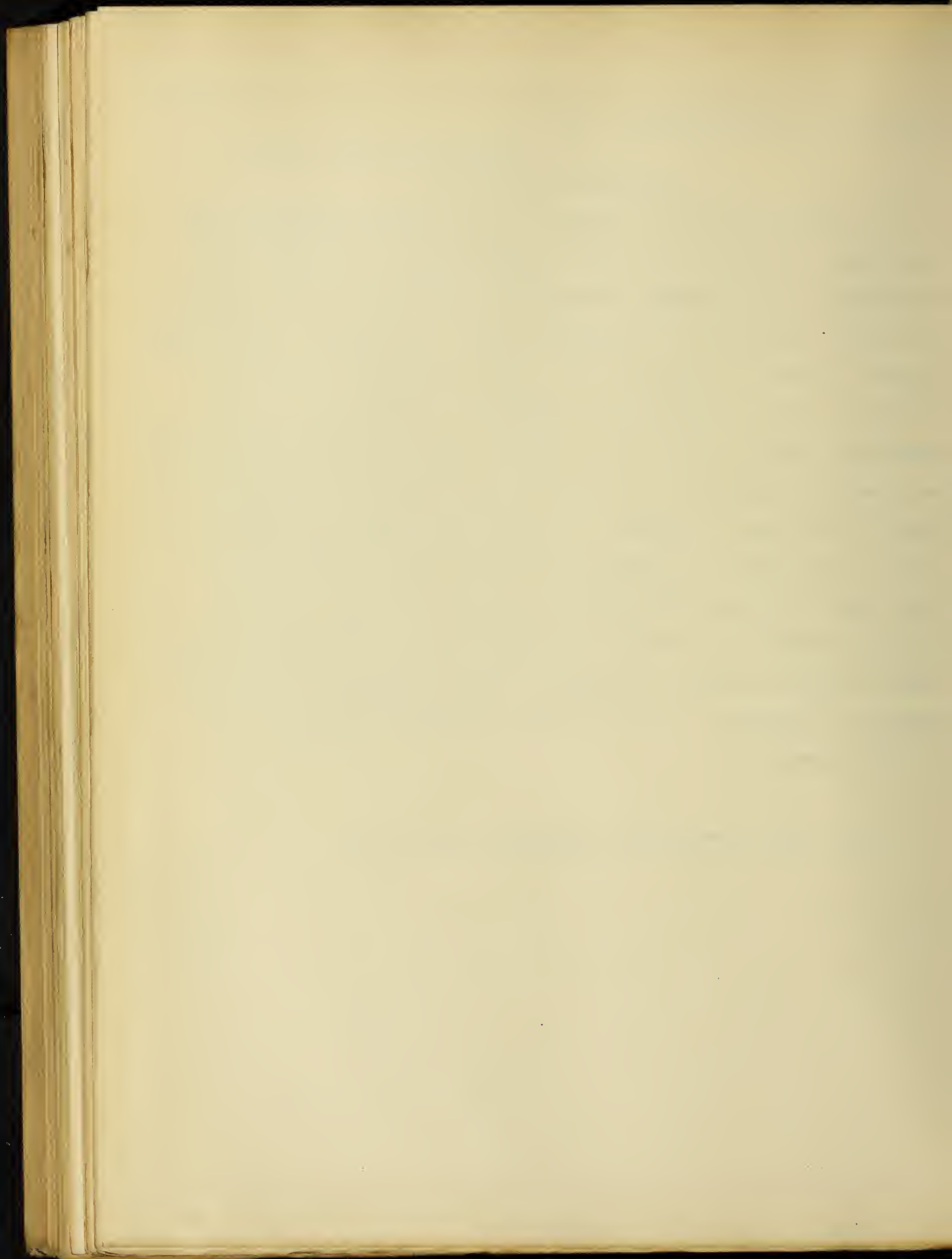


"An Act for raising two Regiments for the Defense of this State,
on Bounties of unappropriated Lands.

Passed 20th March, 1781.

* * * * *

VI. And be it further Enacted by the Authority aforesaid, That
any Person who shall deliver one or more of his or her able bodied
male Slaves, to any warrant Officer as aforesaid, to serve in either
of the said Regiments or independent Corps, and produce a Certificate
thereof, signed by any Officer or Person authorized to muster and
receive the Men, to be raised by Virtue of this Act, and produce
such Certificate to the Surveyor-General, shall, for every male Slave
so entered or mustered as aforesaid, be entitled to the Location and
Grant of one Right, in Manner as in and by this Act is directed; and
shall be, and hereby is discharged from any future Maintenance of
such Slave; any Law to the Contrary notwithstanding. And such
Slave, so entered as aforesaid, who shall serve for the Term of three
Years, or until regularly discharged, shall, immediately after such
Service or Discharge, be, and is hereby declared to be a free Man
of this State".



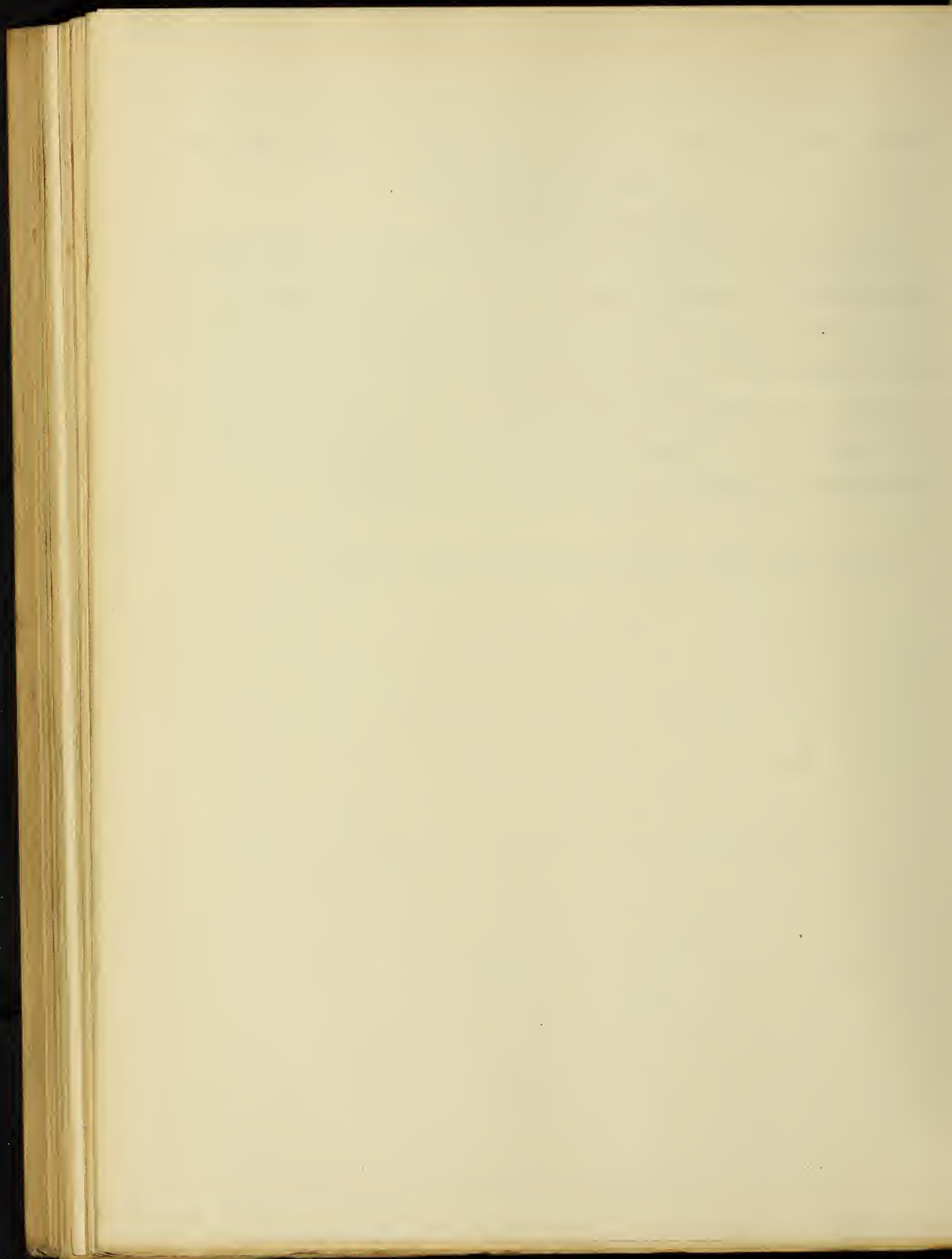
"An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned.

Passed 19th May, 1784.

* * * * *

XLI. And be it Enacted by the Authority aforesaid, That the said Commissioner or Commissioners shall, out of any Monies which may come in his or their Hands for Rents, make suitable Provision for the Support and Maintenance of any Slave or Slaves who may be found unable to support themselves, and who belong to, and have not been disposed of by any Person or Persons, whose respective Estates have become confiscated or forfeited to the People of this State".

Chap. LXIV. Laws of N. Y. Sessions 1-12, I, 174.



Feb. 1784.

"It is voted and resolved, that the whole of the clause contained in an act of this Assembly, passed at June session, A. D. 1774, permitting slaves brought from the coast of Africa into the West Indies, on board any vessel belonging to this (then colony, now) state, and who could not be disposed of in the West Indies, &c., be, and the same is, hereby repealed".

R. I. Col. Rec. X, 8.



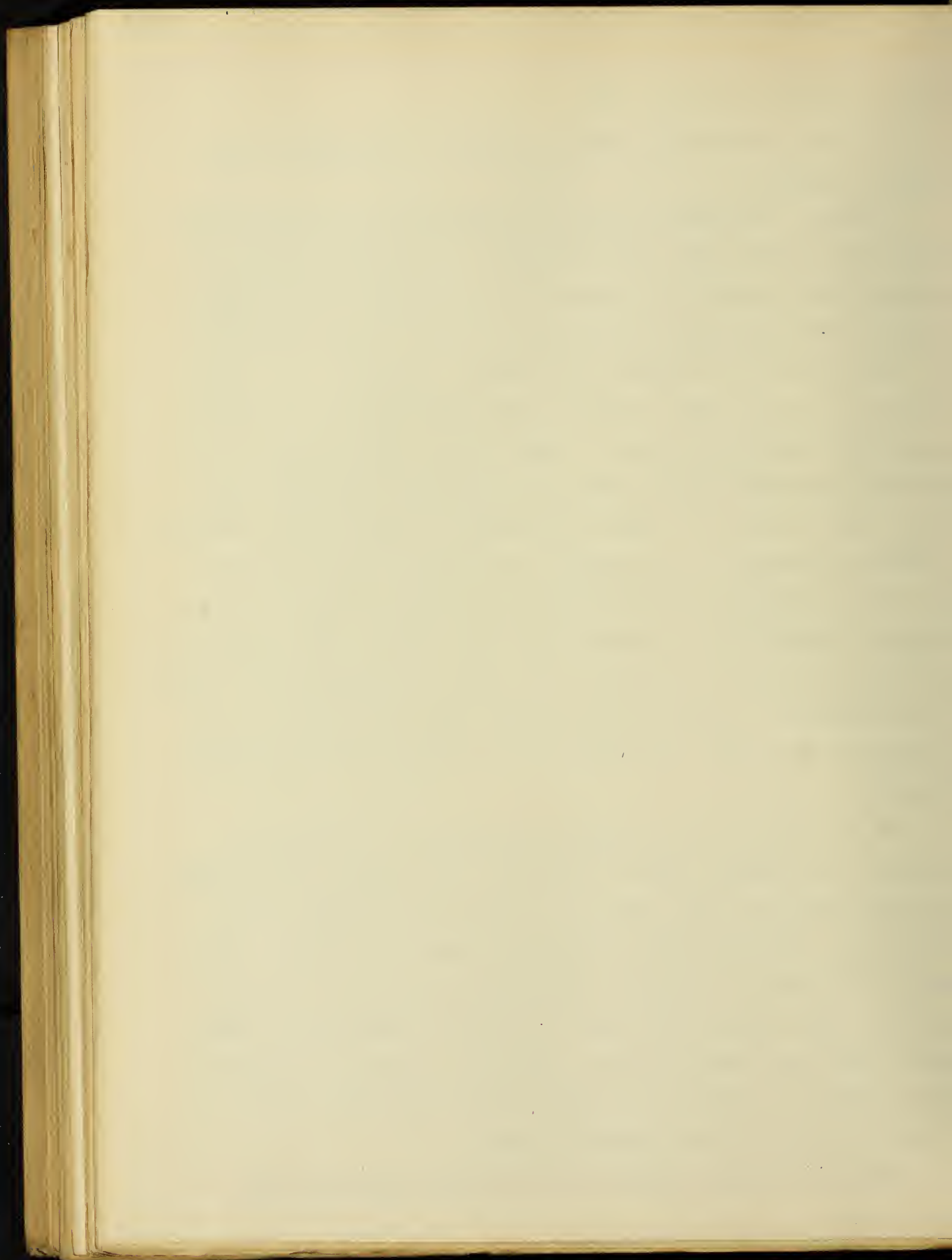
The last Monday in October 1787.

"An Act to prevent the slave trade and to encourage the abolition of slavery.

Whereas, the trade to Africa for slaves, and the transportation and selling of them into other countries, is inconsistent with Justice, and the principles of humanity, as well as the laws of nature, and that more enlightened and civilized sense of freedom which has of late prevailed; and whereas, the General Congress of the United States, in the year 1784, taking the said trade into consideration, agreed and resolved as follows: ' That we will neither import, nor purchase any slaves imported after the first day of December next; after which time we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels or sell our commodities or manufactures to those that are: ' Never/ - theless, forgetful of the danger which then impended, and inattentive to the principles of justice and sound policy manifested in the aforesaid resolution, a renewal of the African trade for slaves has been entered into by divers inhabitants of this state: For the prevention whereof, -

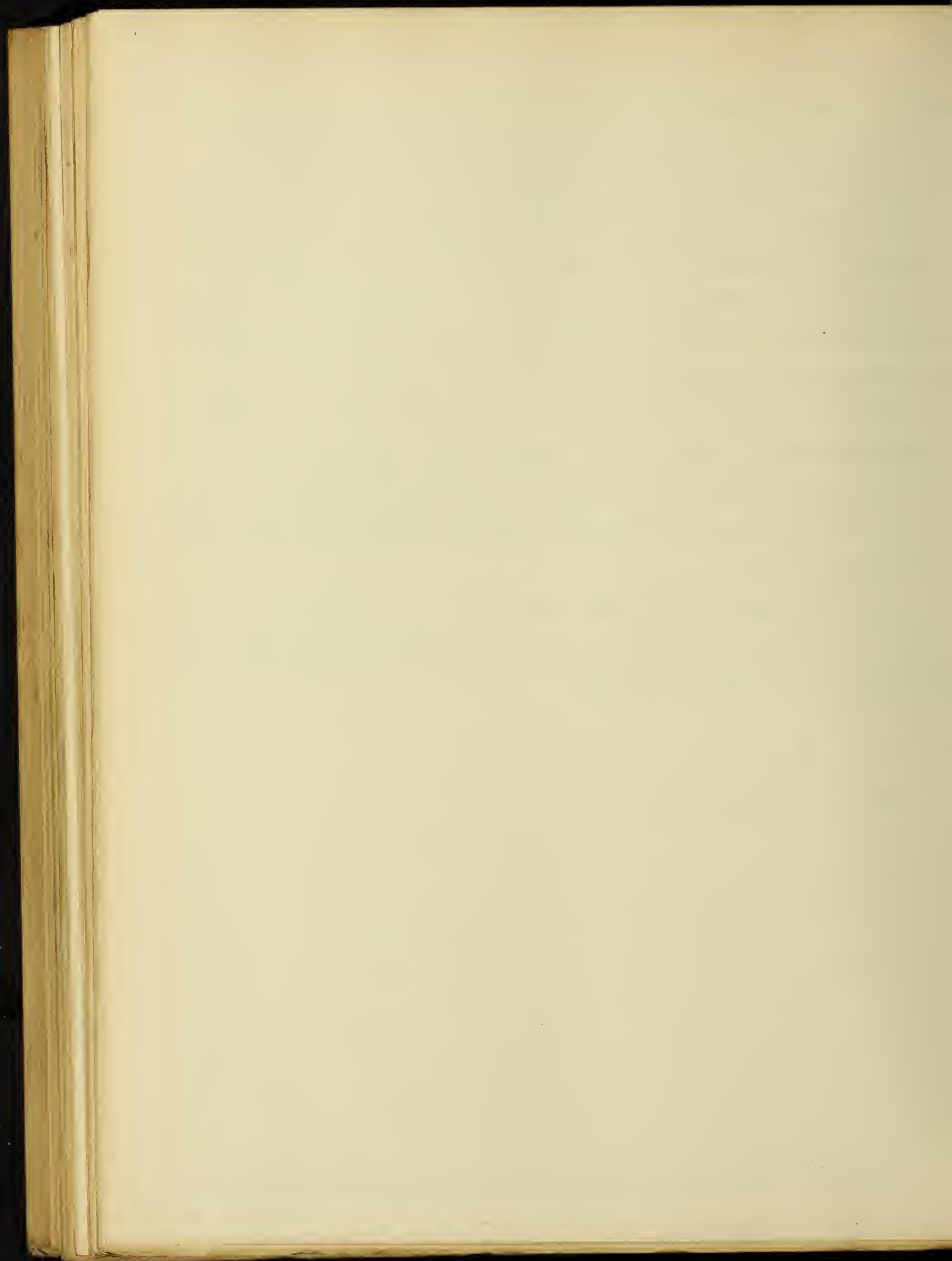
Be it enacted by this General Assembly and by the authority thereof it is enacted, that no citizen of this state or other person residing within the same, shall, for himself or any other person whatsoever, either as master, factor, or owner of any vessel, directly or indirectly import or transport, buy or sell, or receive on board their vessel with intent to cause to be imported or transported from their native country, any of the natives or inhabitants of any state or kingdom in that part of the world called Africa, as slaves, or without their voluntary consent.

And be it further enacted by the authority aforesaid, That



every citizen, inhabitant, or resident, as aforesaid, who shall import or transport, or cause to be imported or transported, any of the said inhabitants of Afráca, contrary to the true intent and meaning of this act, and be thereof lawfully convicted, shall forfeit the sum of one hundred pounds, lawful money, for every person by him or them so imported or transported; and the sum of one thousand pounds for every vessel by him or them employed in the importation or transportation aforesaid, to be recovered by bill, complaint, or information before the superior court or either of the inferior courts within this state, the one moiety whereof shall be paid into the general treasury for the use of this state, the other moiety to and for the use of the person or persons who shall prosecute for and recover the same.

Provided, nevertheless, that this act do not extend to vessels which have already sailed, their owner, factors, or commanders, for and during their present voyage".



" An Act concerning Slaves.

Passed 22 February, 1788.

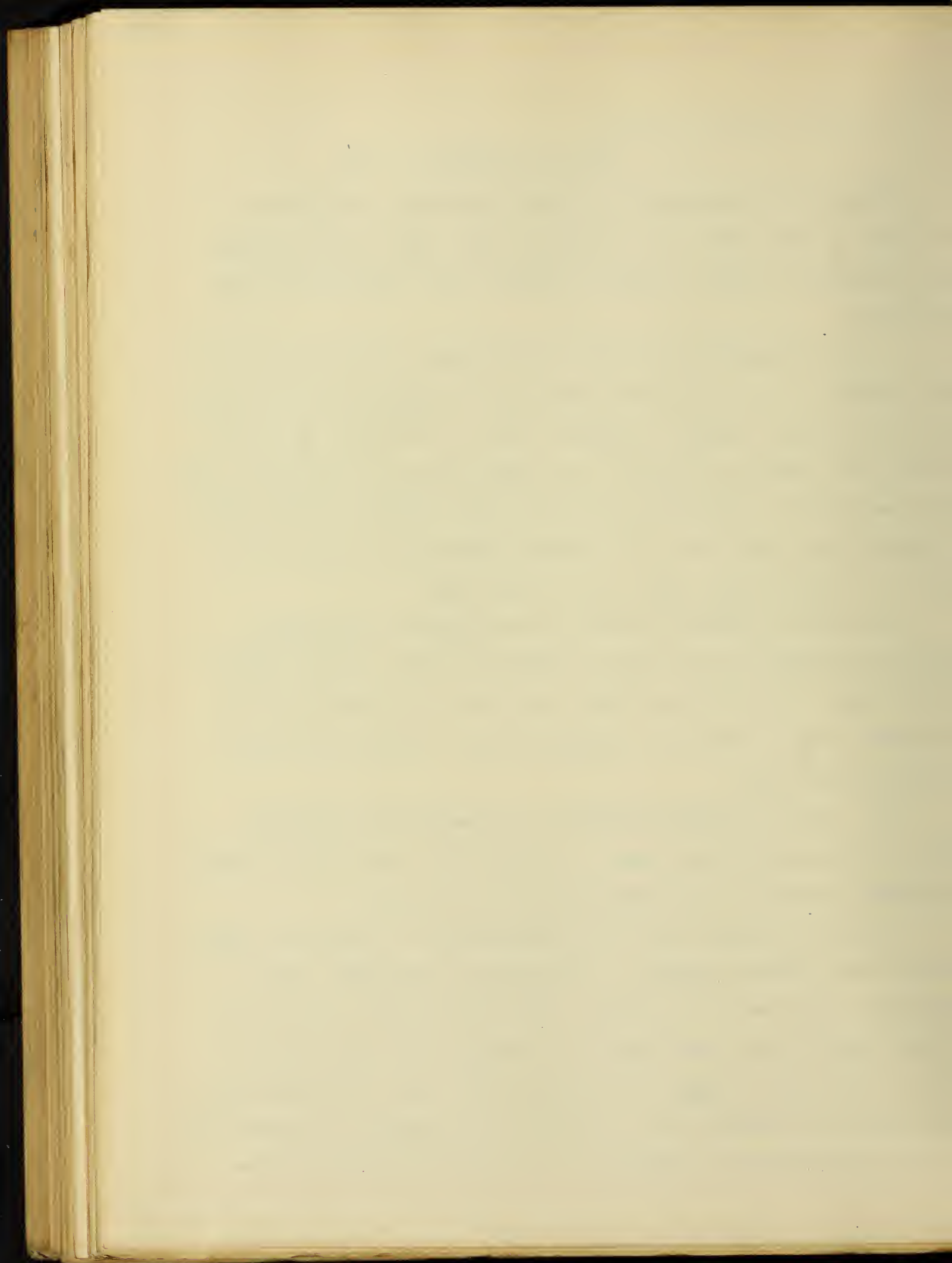
Whereas in Consequence of the Act, directing a Revision of the Laws of this State, it is expedient that ~~th~~^e several existing Laws relative to Slaves, should be revised, and comprised in one; Therefore,

I. Be it Enacted by the State of New-York, represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same, That every Negro, Mulatto or Mestee, within this State, who at the Time of the passing of this Act is a Slave for his or her Life, shall continue such for and during his or her Life, unless he or she shall be manumitted or set free in the Manner prescribed in and by this Act, or in and by some future Law of this State.

II. And be it further Enacted by the Authority aforesaid, That the Children of every Negro, Mulatto or Mestee Woman, being a Slave, shall follow the State and Condition of the Mother, and be esteemed, reputed, taken and adjudged Slaves, to all Intents and Purposes whatsoever.

III. And be it further Enacted by the Authority aforesaid, That the baptizing of any Negro, or other Slave, shall not be deemed adjudged, or taken to be a Manumission of such Slave.

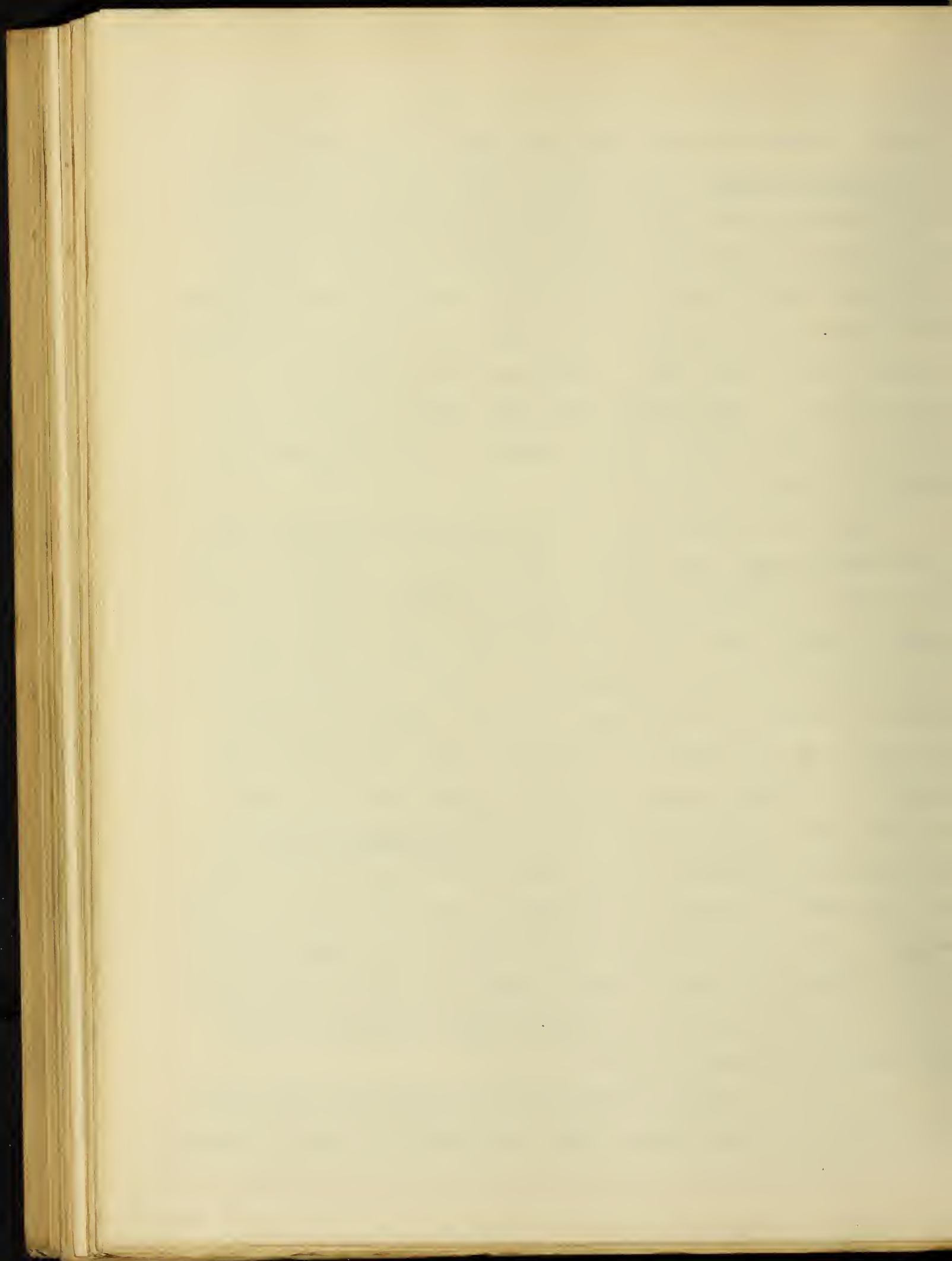
IV. And to prevent the further Importation of Slaves into this State; be it further Enacted by the Authority aforesaid, That if any Person shall sell, as a Slave, within this State, any Negro or other Person who has been imported or brought into this State after the first Day of June, in the Year of our Lord One Thousand Seven Hundred and Eighty-five, or who shall be imported or brought into this State after the passing of this Act, such Seller, or his



or her Factor or Agent, making such Sale, shall be deemed guilty of a public Offense, and shall, for every such Offense, forfeit the Sum of One Hundred Pounds, current Money of this State, to be recovered by any Person who will sue for the same, with Costs of suit, by Action of Debt, in any Court of Record within this State, having Cognizance thereof; the one Half of which Forfeiture, when recovered to be paid to the Treasurer of this State, for the Use of the People thereof; and the other Half to the Person who shall sue for the same to Effect. And further, That every Person, so imported or brought into this State, and sold contrary to the true Intent and Meaning of this Act, shall be free.

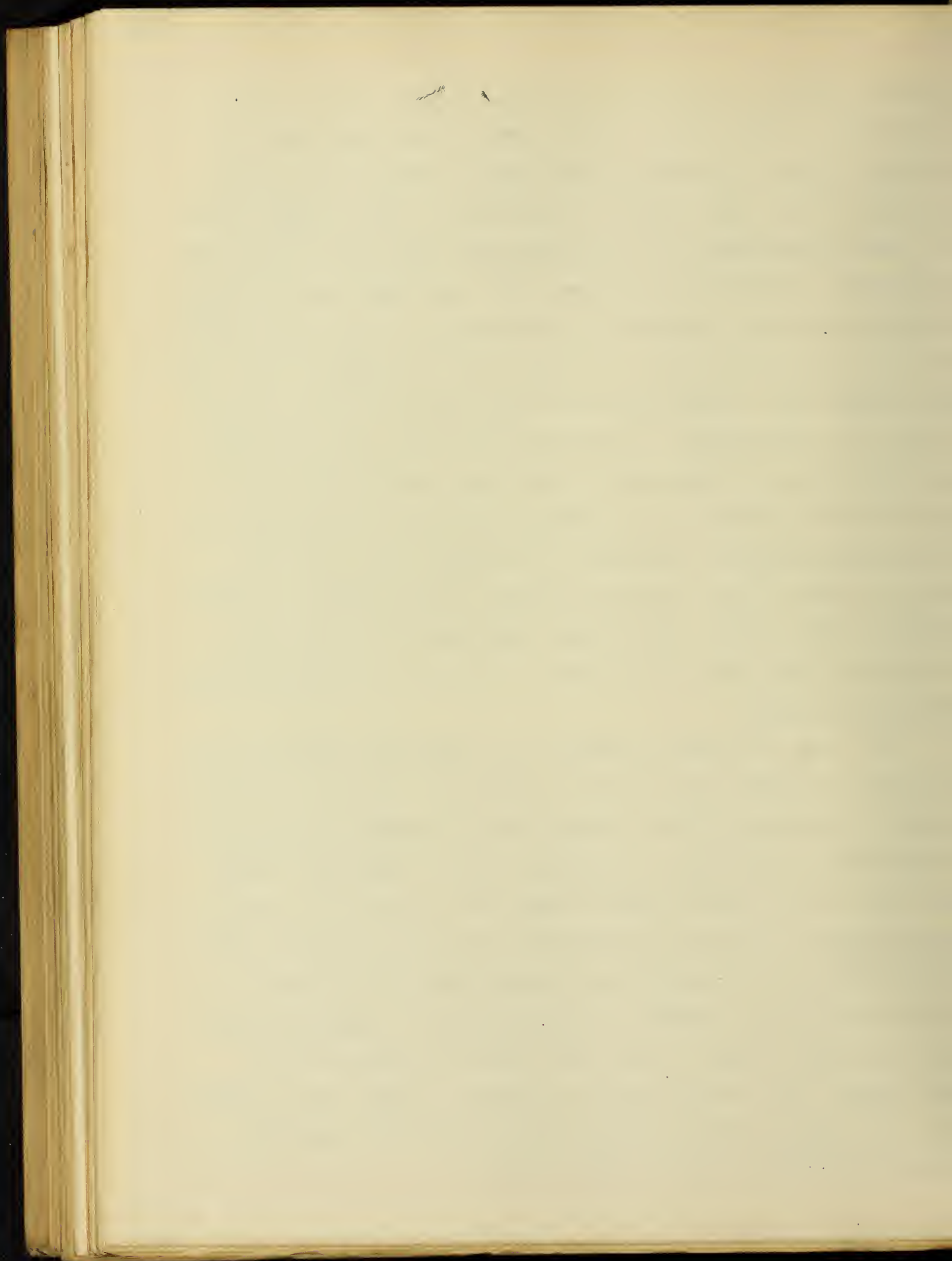
V. And be it further Enacted by the Authority aforesaid, That if any Person shall, at any Time, purchase or buy, or shall, as Factor or Agent to Another, take or receive, any Slave with Intent to remove, export or carry such Slave from this State, to any other Place without this State, and there to be sold; the Person so purchasing or buying, or so, as Factor or Agent, receiving or taking the Slave, with such Intent as aforesaid, shall be deemed to have committed an Offense against the People of this State, and shall, for every such Offense, forfeit the Sum of One Hundred Pounds, to be recovered, with Costs, by any Person who will sue for the same; the one Moiety to the Use of the People of this State, and the other Moiety to the Use of the Person who will sue for the same; and the Slave so purchased, bought, taken or received, shall be immediately after he or she shall be so purchased, bought, received or taken, and hereby is declared to be free.

VI. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, after the passing of this Act, employ,



harbour, conceal, or entertain any Negro, or other Slave, knowing such Negro or other Slave to be the Slave of any other Person or Persons, without the consent of the Owner or Owners of such Slave, he, she, or they shall forfeit to the Owner or Owners of such Slave, the Sum of Five Pounds for every twenty-four hours, and in that proportion for a greater or less Time, while such Slave shall have been employed, harboured, concealed or entertained, as aforesaid; but that such Forfeiture shall not in the Whole exceed the Value of such Slave. And further, That if any Person or Persons shall be found guilty of harbouring, entertaining, or concealing any Slave, or of assisting to convey him or her away, and if such Slave shall be lost, die, or be otherwise destroyed, the Person or Persons so harbouring, entertaining, concealing, assisting, or conveying away such Slave, Shall be liable to pay the Owner or Owners of such Slave, the Value thereof; which several Sums of Money shall and may be recovered, by Action of Debt, with Costs of Suit, in any Court of Record having Cognizance thereof.

VII. And be it further Enacted by the Authority aforesaid, That no Person or Persons shall trade or traffic with any Slave or Slaves, either in buying or selling, without Leave or Consent of the Master or Mistress of such Slave or Slaves, on Pain of forfeiting treble the Value of the Thing or Things traded for; and also, the Sum of Five Pounds, to the Master or Mistress of such Slave or Slaves, for each Offence, to be recovered with Costs, against the Person or Persons so trading, contrary to the true Intent and Meaning of this Act, by Action of Debt, in any Court having Cognizance thereof. And further, That every Contract or Bargain so made, or to be made, with any Slave or Slaves, without Consent of his, her, or their Master or Mistress, shall be utterly void.

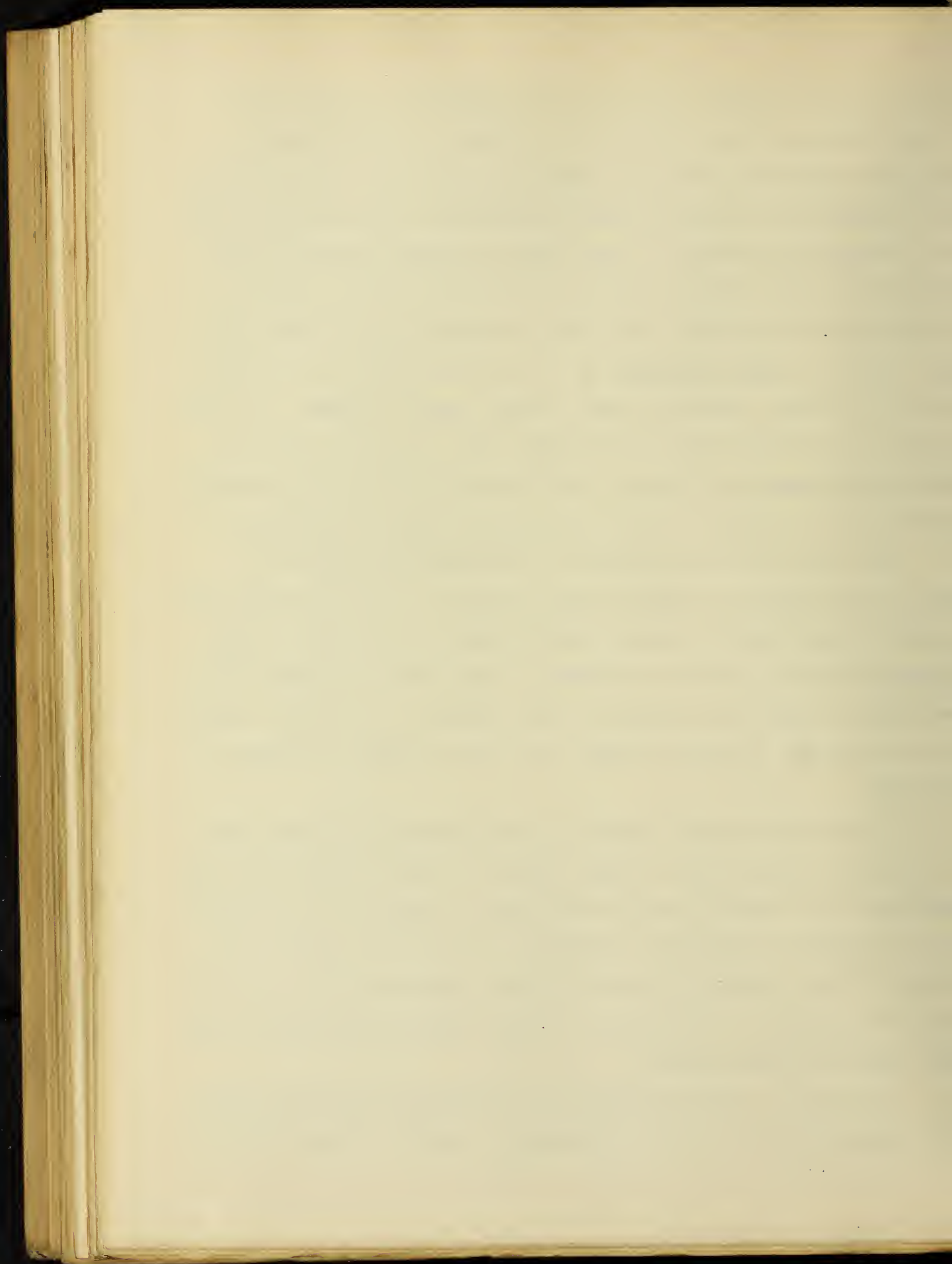


VIII. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall sell any Rum or other Strong Liquor, to any Slave or Slaves, without the Consent of his, or her Master or Mistress, and shall thereof be convicted, upon Complaint made by the Master or Mistress of such Slave or Slaves, before any Justice of the Peace, Mayor, Recorder, or Alderman, in the City or County where the Offender shall dwell or reside, shall forfeit and pay the Sum of Forty Shillings for every such Offense, to be recovered, with Costs, before any such Justice, Mayor, Recorder. or Alderman; the one Half of which Forfeiture, when recovered, shall be paid to such Master or Mistress, and the other Half to the Overseers of the Poor of the City or Town where such Offense is committed.

IX. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, by Theft, or other Trespass committed by any Slave or Slaves, sustain Damage to the Value of Five Pounds or under, the Owner or Owners of such Slave or Slaves, shall be liable to make satisfaction for such Damages to the Party injured, to be recovered by Action of Debt, with Costs of Suit, in Manner aforesaid.

X. And be it further Enacted by the Authority aforesaid, That if any Slave shall strike a white Person, it shall be lawful for any Justice of the Peace to commit such Slave to Prison; and such Slave shall thereupon be tried and punished, in the Manner directed in Cases of Petit Larceny, in and by the Act, entitled, An Act for the Speedy Punishment of such Persons as shall commit any Offenses under the Degree of Grand Larceny.

XI. And be it further Enacted by the Authority aforesaid, That all Negroes and other Persons whatsoever, commonly reputed and deem-

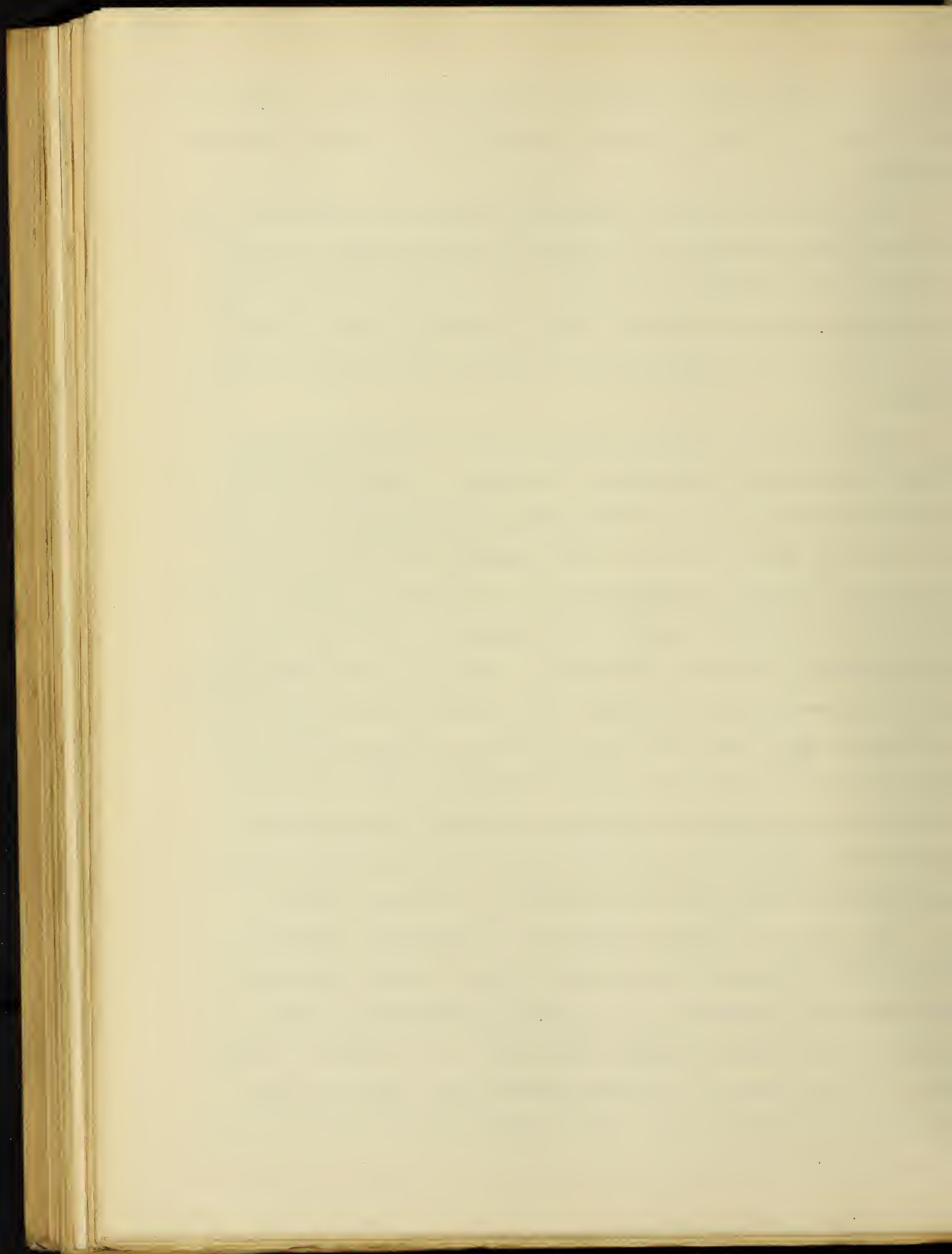


ed Slaves, shall forever hereafter, have the Privilege of being tried by a jury, in all capital Cases, according to the Course of the common Law.

XII. And be it further Enacted by the Authority aforesaid, That from and after the Passing of this Act, no Slave shall be admitted a Witness for or against any Person, in any Matter, Cause or Thing whatsoever, civil or criminal, except in criminal Cases in which the Evidence of one Slave shall be admitted for or against another Slave.

XIII. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act, no Person or Persons within this State, shall knowingly and willingly suffer, or permit his, her, or their Slave to go about begging of others, Victuals, Cloathing, or other Necessaries; and if any Person or Persons shall be guilty of an Offense against this Clause of this Act, he, she or they shall, for every such Offence, forfeit the Sum of Ten Pounds, to be recovered by Action of Debt, with Costs of Suit, in any Court of Record within this State, by any Person or Persons who will sue for the same; the one Half of which Forfeiture, when recovered to be paid to the Overseers of the Poor of the City or Town where such Offence shall be committed, and the other Half to the Person or Persons who shall sue and prosecute for the same to Effect.

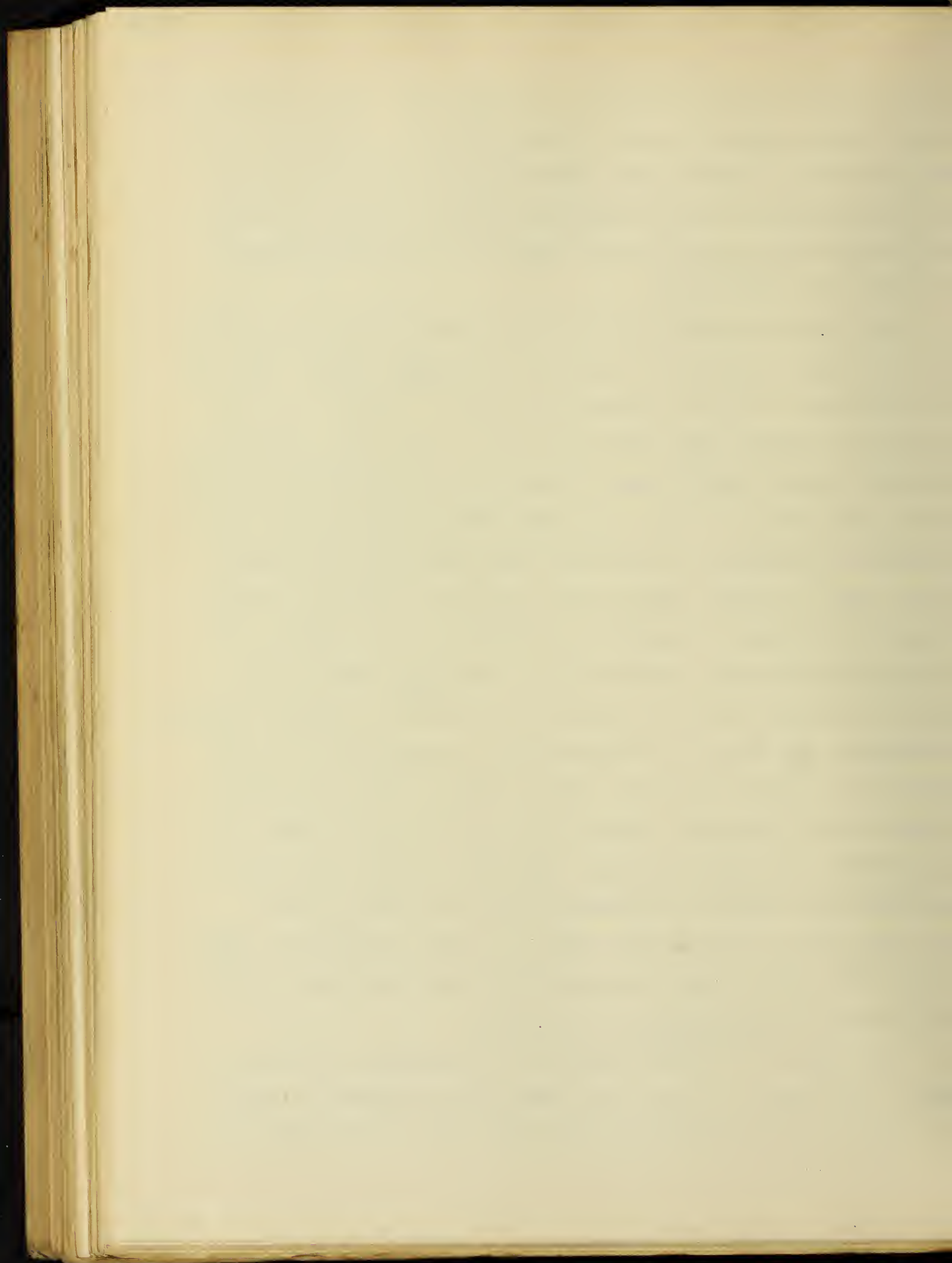
XIV. And be it further Enacted by the Authority aforesaid, That if any Person or Persons shall, by any collusive Conveyance, or fraudulent Agreement, sell or dispose, or pretend to sell, or dispose of any aged or decrepid Slave, or, to any Person or Persons, who is, or are unable to keep and maintain such Slave or Slaves, such Sale or pretended Sale, shall be absolutely void, and the Per-



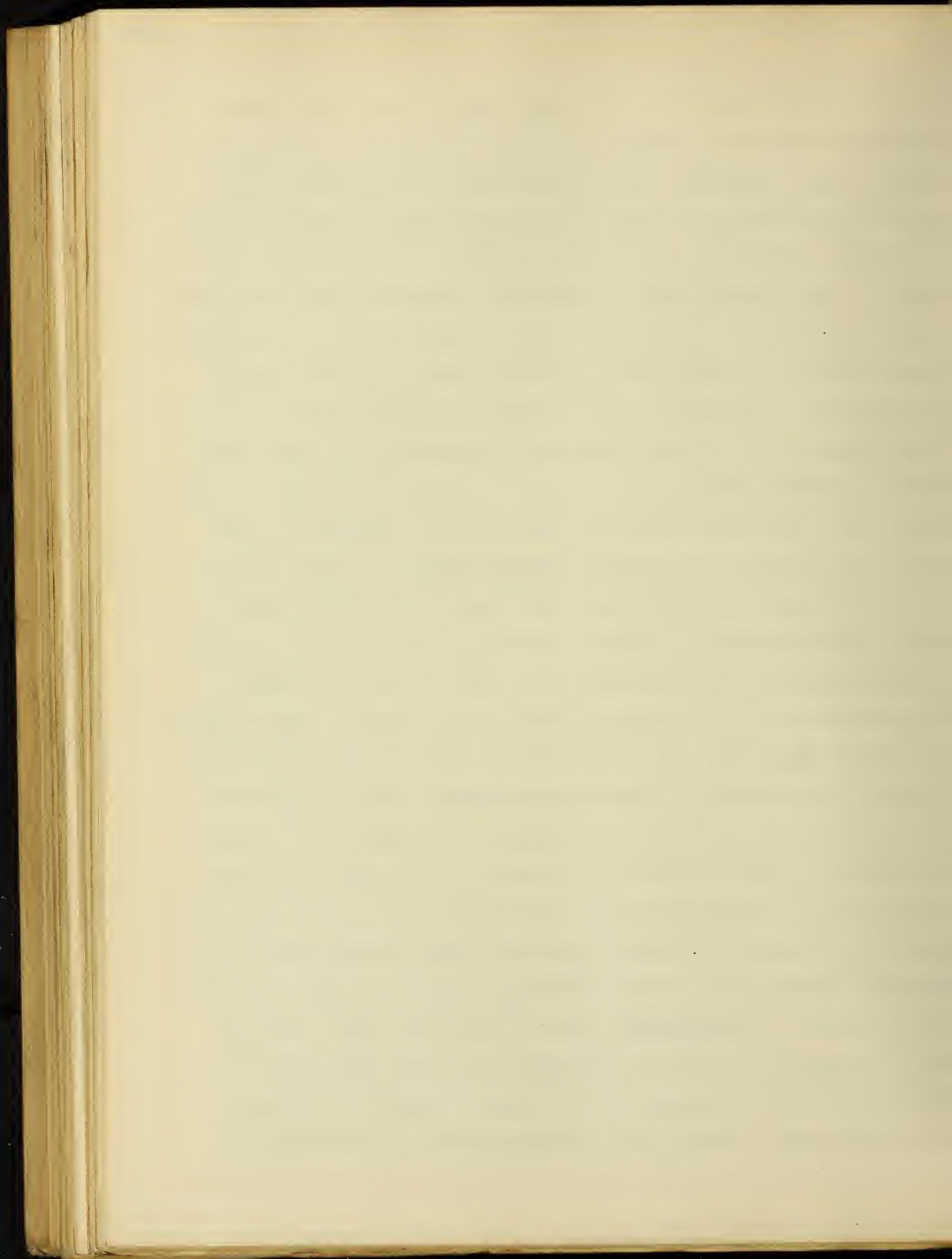
son or Persons making such Sale or pretended Sale, shall forfeit the Sum of Twenty Pounds for each Offence; and shall, moreover, be deemed the Owner or Owners of such Slave or Slaves within the true Intent and Meaning of the next preceding Section of this Act; which Forfeiture shall be recovered and applied in the Manner directed in and by the said Section.

XV. And be it further Enacted by the Authority aforesaid, That when the Owner or Owners of any Slave under fifty Years of Age, and of sufficient Ability to provide for himself or herself, shall be disposed to manumit such Slave, he, she, or they shall, previous & thereto, procure a Certificate, signed by the Overseers of the Poor, or the major Part of them, of the City, Town or Place, and of two Justices of the Peace of the County where such Person or Persons shall dwell or reside, and if in the Cities of New-York or Albany, then from the Mayor or Recorder, and any two of the Aldermen, certifying that such Slave appears to be under fifty Years of Age, and of sufficient Ability to provide for himself or herself, and shall cause such Certificate of Manumission to be registered in the Office of the Clerk of the City, Town or Place in which the Owner or Owners of such Slave may reside; that then it shall be lawful for such Person or Persons to manumit such Slave, without giving or providing any Security to indemnify such City, Town or Place: And every Slave so manumitted, shall be deemed, adjudged and taken to be free, and the Clerk for registering such Certificate, shall be entitled to Two Shillings, and no more.

XVI. And be it further Enacted by the Authority aforesaid, That if any Person, by his or her last Will and Testament, shall give his or her Slave Freedom, such Slave being, at the Death of

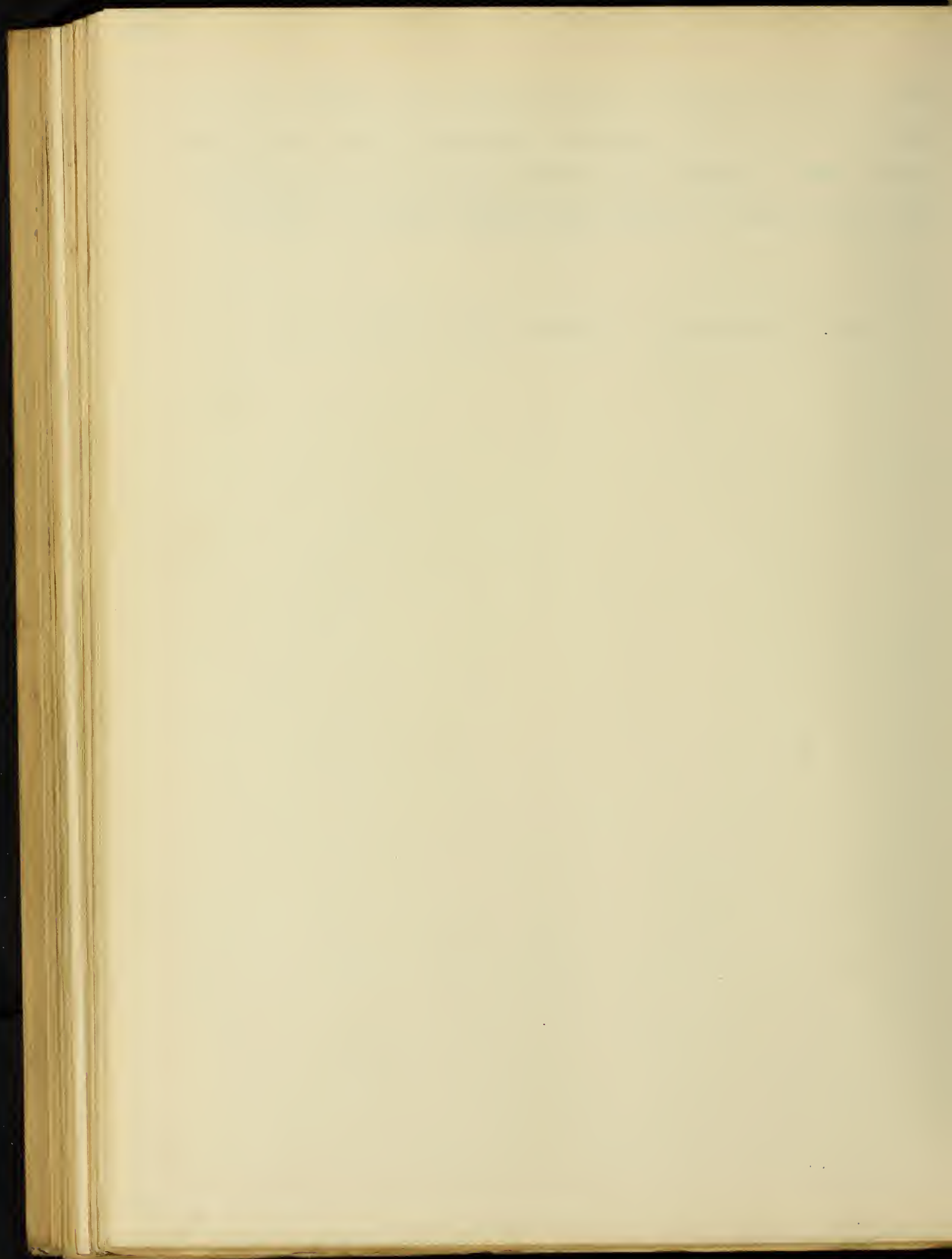


the Testator or Testatrix, under fifty Years of Age, and also of sufficient ability to provide for himself or herself, to be certified in Manner aforesaid; such Freedom given as aforesaid; shall, without any Security to indemnify the City, Town or Place, be deemed, taken, and adjudged to be good and valid, to all Intents and Purposes. And further, That if any Owner or Owners of any other Slave shall be disposed to manumit and set at Liberty such Slave, and such Owner or Owners, or any other sufficient Person, for or in behalf of such Slave, shall and do, at the Court of General Sessions of the Peace for the City or County where such Negro or other Slave shall dwell or reside, enter into a Bond to the People of the State of New-York, with one or more Surety or Sureties, to be approved by such Court, in a Sum not less than Two Hundred Pounds, to keep and save such Slave from becoming or being any Charge to the City, Town, or Place within this State, wherein such Slave shall, at any Time after such Manumission, live, the said Slave shall be free, according to such Manumission of the Owner or Owners of such Slave. And further, If any such Slave hath been or hereafter shall be made free, by the last Will and Testament of any Person deceased, and if the Executor or Executors of said Person so deceased, or in Case of the Neglect or Refusal, of such Executor or Executors, if any other sufficient Person for and in Behalf of such Slave, shall and do enter into such Surety as aforesaid, in Manner aforesaid, then the said Slave shall be free, according to the true Intent and Meaning of such last Will and Testament. And moreover, That if any Person shall, by last Will or otherwise, manumit or set free his or her Slave, and no such Certificate or Security as afor said be given or obtained, such Slave shall, nevertheless, be considered as freed from such



Owner. his or her Executors, Administrators, and Assigns: But such Owner, his or her Heirs, Executors, and Administrators, shall remain and be liable to support and maintain such Slave, if the same Slave shall become unable to support and maintain himself or herself".

Chap. XL. Laws of N. Y. Sessions 1-12, II, 253 et seq.



" An Act to lay a Duty of Excise on strong Liquors, and for the better regulating of Inns and Taverns.

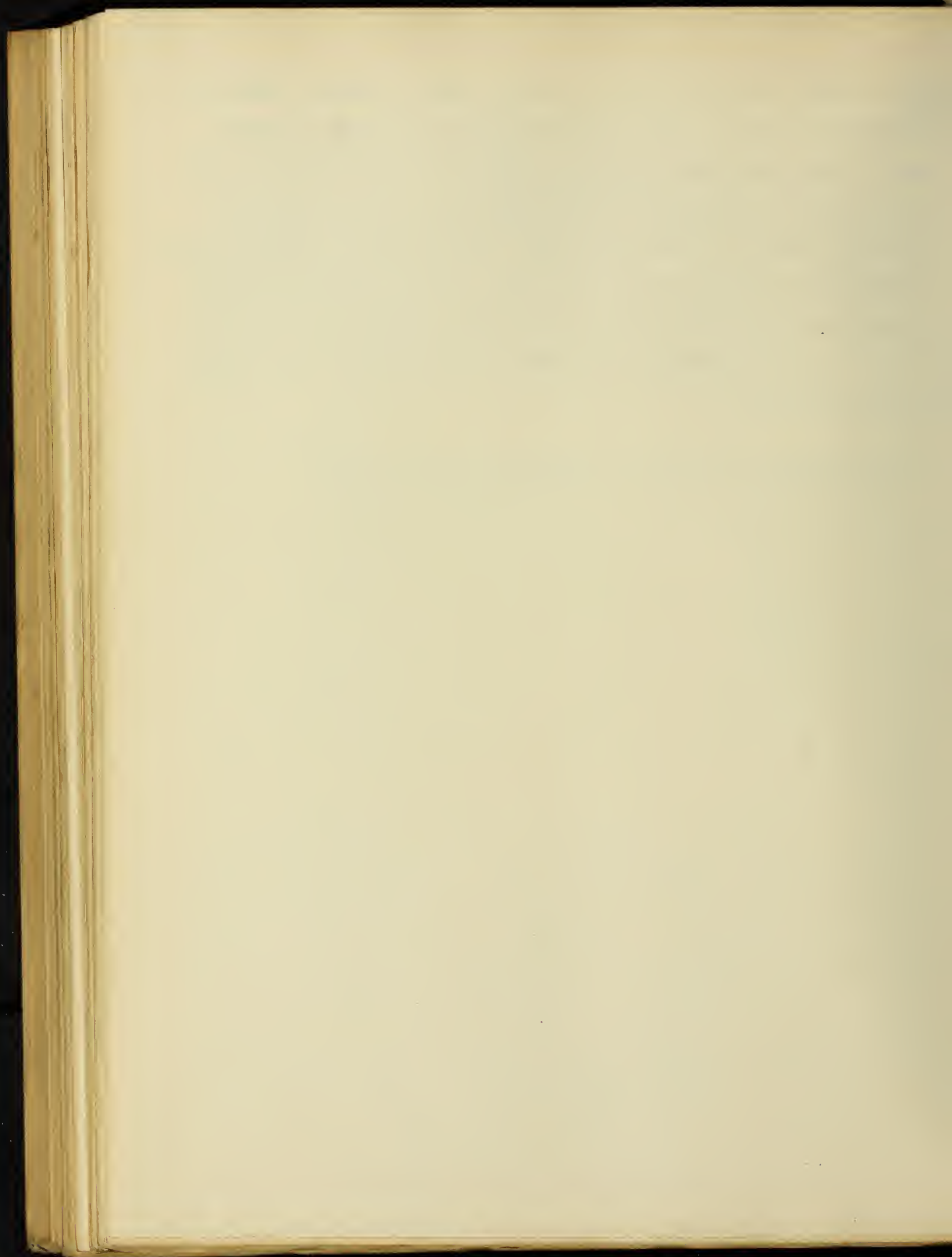
Passed 1st March, 1788.

XV. And be it further Enacted by the Authority aforesaid, That if any Inn-holder or Tavern-Keeper, shall sell any strong or spirituous Liquors to any Apprentice, Servant or Slave, knowing or having Reason to suspect or believe him or her to be such, without the Consent of his or her Master or Mistress, such Inn-holder or Tavern-Keeper, shall forfeit and lose every Debt which such Apprentice, Servant or Slave shall or may contract for any such Liquor; and also for every Offense, forfeit the Sum of Forty Shillings, to be recovered with Costs of Suit, by the Master and Mistress of such Apprentice, Servant or Slave. And further, That the Permit or Licence of every such Inn-holder or Tavern-Keeper, shall be, and hereby is declared void from the Time of such conviction; and such Inn-holder or Tavern-Keeper shall be and is hereby declared to be incapable of receiving any further other Permit or Licence for holding any public Inn or Tavern, for the Space of three Years from the time of such Conviction.

XVI. And be it further Enacted by the Authority aforesaid, That if any Inn-holder or Tavern-Keeper, or any other Person or Persons, shall take or receive, directly or indirectly, from any such Apprentice, Servant or Slave, any Clothing, or any other Goods, Chattels, Wares or Merchandize, in Payment for any such strong or spirituous Liquors, or in Pawn or Pledge, to secure any such Payment, and thereof be convicted by the Oath of any credible Witness, he, she or they so offending, besides the Payment of the Penalty and Forfeiture of the Debt as aforesaid, shall, within three Days after such Conviction, restore to the Master and Mistress of such Apprentice, Ser-

vant or Slave, all such Clothing or other Goods, Chattels, Wares or Merchandize, which he, she or they shall have so taken~~or~~ received, from a y such Apprentice, Servant or Slave, or shall forfeit and pay unto the Master or Mistress of such Apprentice, Servant or Slave, double the Value of all such Clothing, or other Goods, Chattels, Wares or Merchandize, which he, she or they shall have so taken or received as aforesaid; to be recovered by such Master or Mistress, his or her Executors or Administrators, with Costs of Suit, in any Court having Cognizance thereof".

Chap. XLVIII. Laws of N. Y. Sessions 1-12, II, 287.



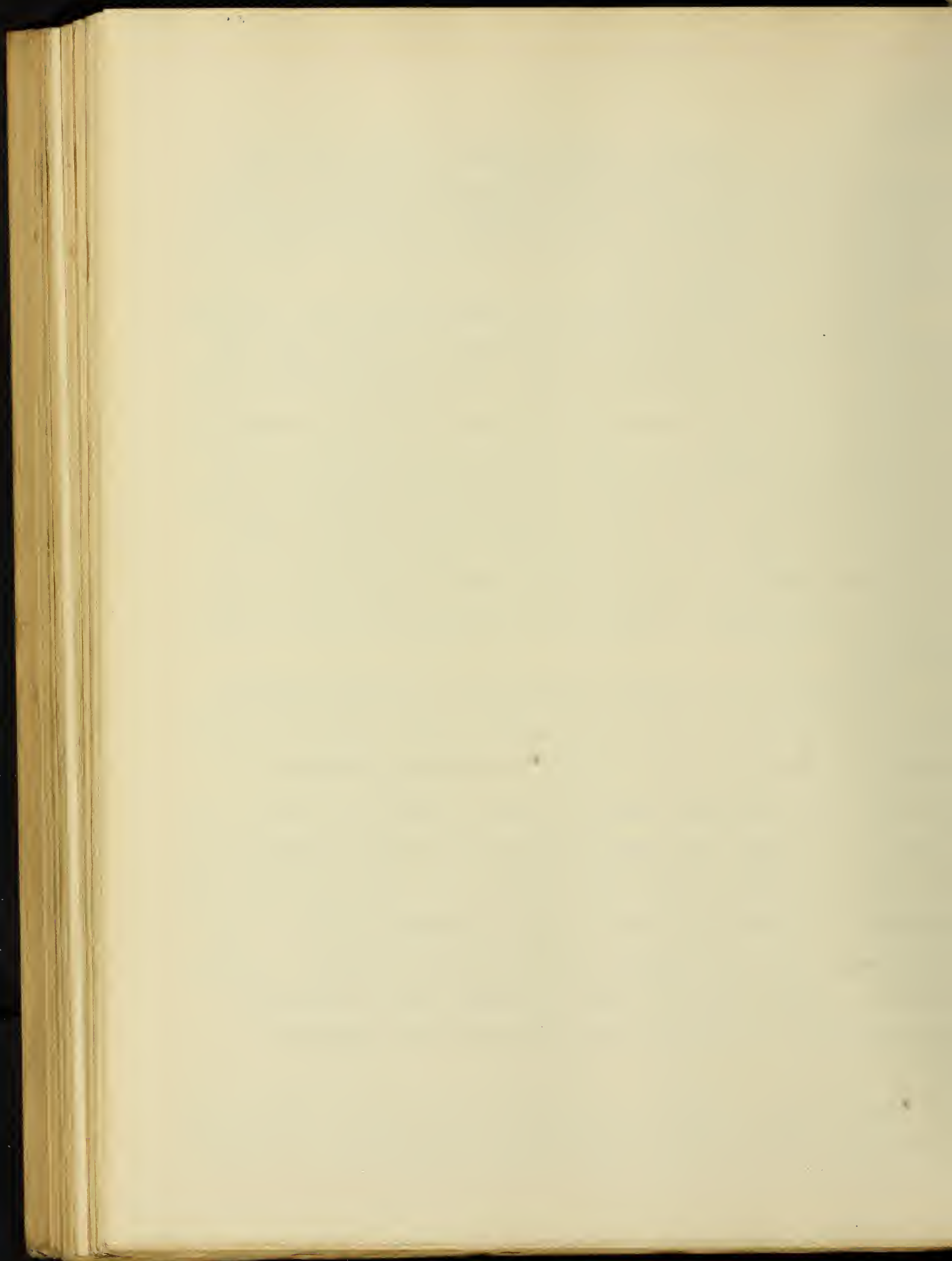
June 1790.

" An Act to incorporate certain persons by the name of The Providence Society for promoting the Abolition of Slavery, for the relief of persons unlawfully held in bondage, and for improving the condition of the African race.

Whereas, a voluntary society have subsisted for some time past, called the Providence Society for abolishing the Slave Trade, And whereas, the persons hereinafter named, being members thereof, have petitioned this General Assembly for a charter of incorporation for said society, to enable them more effectually to carry into execution the purpose of their humane institution, in promoting the abolition of the slave trade, and of slavery, protecting the rights of persons unlawfully held in bondage, and for improving the condition of such blacks, as are, or may be emancipated, and of their posterity.

Section I. Be it therefore enacted by this General Assembly, and by the authority thereof it is hereby enacted, that the present members of the said society, to wit: * * * * * and such other person or persons as shall be hereafter elected, and chosen in the manner hereinafter mentioned, and their successors be, and they are, hereby created and declared to be one body politic and corporate, in deed and in law, by the name, style and title of the Providence Society for promoting the abolition of slavery, for the relief of persons unlawfully held in bondage, and for improving the condition of the African race. * * * * *

* Here follow the names of 117 men of Rhode Island, 68 men of Massachusetts, and three men of Connecticut, who constituted the char-



152.
ter member of the society.

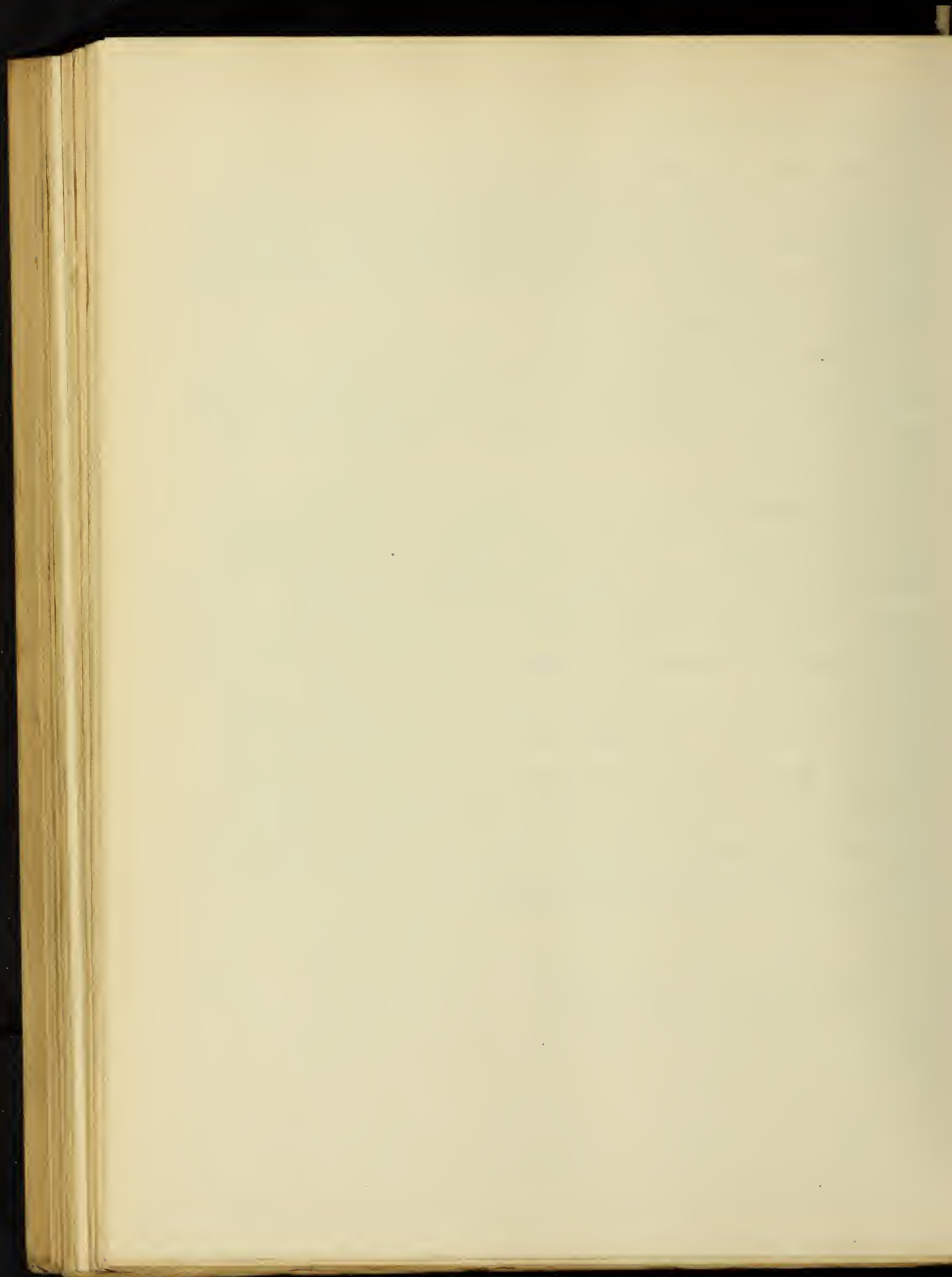
June 1791. (p. 436).

" An Act in addition to an act entitled 'An Act to incorporate certain persons by the name of Providence Society for promoting the abolition of slavery, etc.', made and passed at the session of this Assembly, held in June, A. D. 1790.

Whereas some doubts have arisen, whether the powers given in the said charter are sufficient for the purpose of bringing actions upon the statutes of this state relating to slavery, or the slave trade; therefore, -

Be it enacted by this General Assembly, and by the authority thereof it is enacted, that the said society, in their corporate capacity, be, and they are, hereby authorized and empowered, to bring forward, in the name of their treasurer for the time being, any suit, action, plaint, or information, before any justice, judge, or courts within this state, upon any law or penal statute relative to the subject of slavery, or the slave trade; and in every respect as fully authorized to carry into execution any or all such laws as any individual complainant or private person could or might do, to all intents and purposes whatsoever: Any law, custom, or usage to the contrary in any wise notwithstanding".

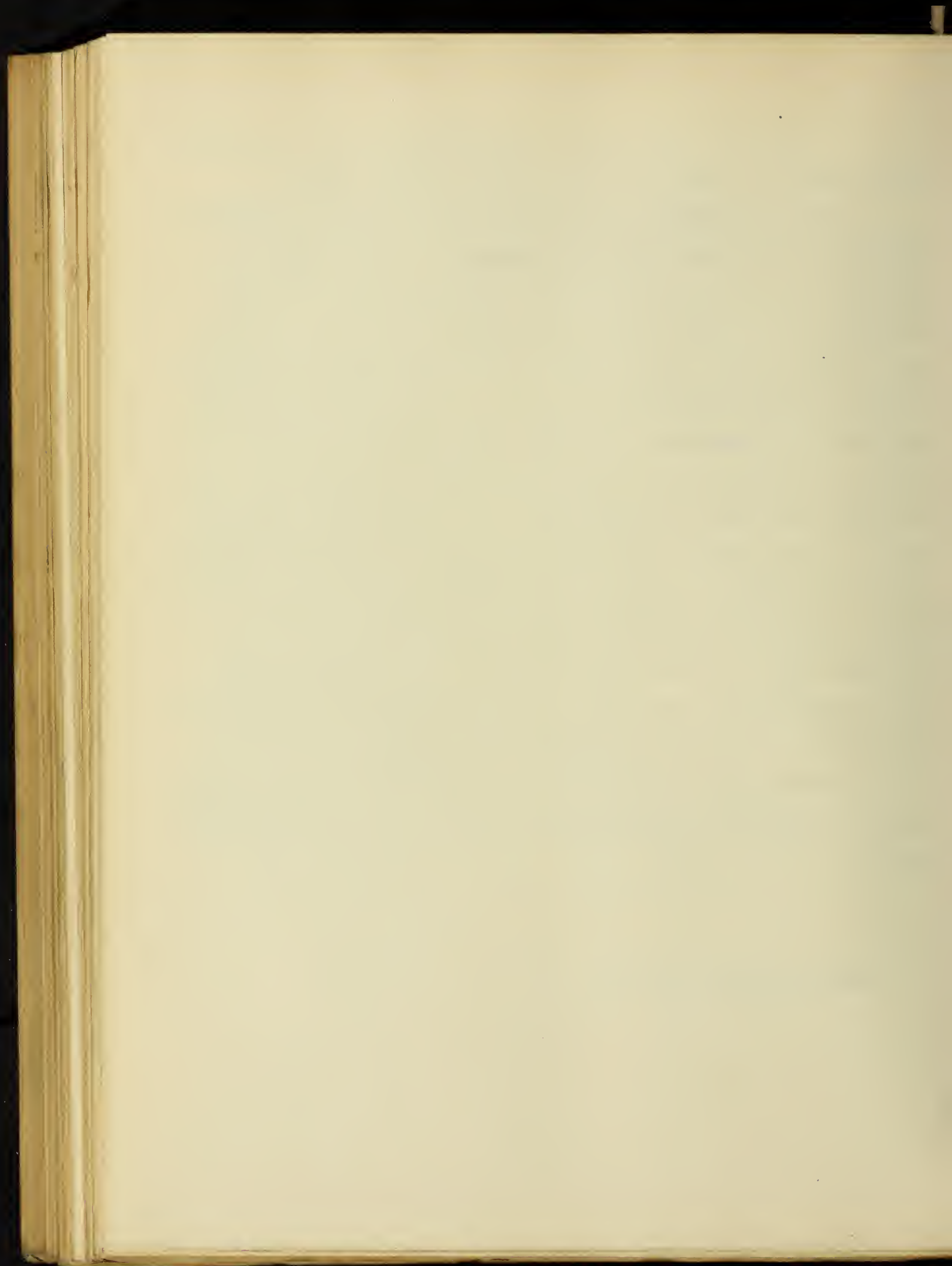
Rhode Island Col. Rec. X, 382.



Reference to Dr. Bouton's opinion on the status of negroes in New Hampshire, given in his 9th volume of State Papers:

"It may be a question whether the first and second articles in the bill of rights were originally designed to abolish slavery, and were voted on and adopted by the people generally with that understanding; but that this was the effect of their adoption can not be doubted, from the fact that in 1775 there were 657 slaves returned as living in the state, and by the census of 1790, only six years after the adoption of the state constitution, the number of slaves was returned as 158; while by the census of 1800 only 8 were returned, and by that of 1810, none. He refers to the additional facts, as still 'higher proof that the bill of rights abolished slavery', that previous to and up to the adoption of the constitution slaves had been for many years rated and taxed to their owners as horses, oxen and other kinds of property were taxed, and that when a new proportion was made in 1788 the practice of taxing slaves was dropped. When this act became a law, he says, 'slaves ceased to be known and held as property in New Hampshire. No after legislation recognized the existence of slavery. The institution was dead'. "

Granite Monthly, VI, 378.



APPENDIX TO CHAPTER VI.

Rev. John Sharpe's Proposals, 1713.

"It is about ten years since the Venerable Society for the Propagation of the Gospel in Foreign Parts, out of their tender concern for the souls of the Indians and negro's who are slaves at New-York appointed M Elias Neau to instruct them in the knowledge of Jesus Christ and Salvation thro' him.

* * * * *

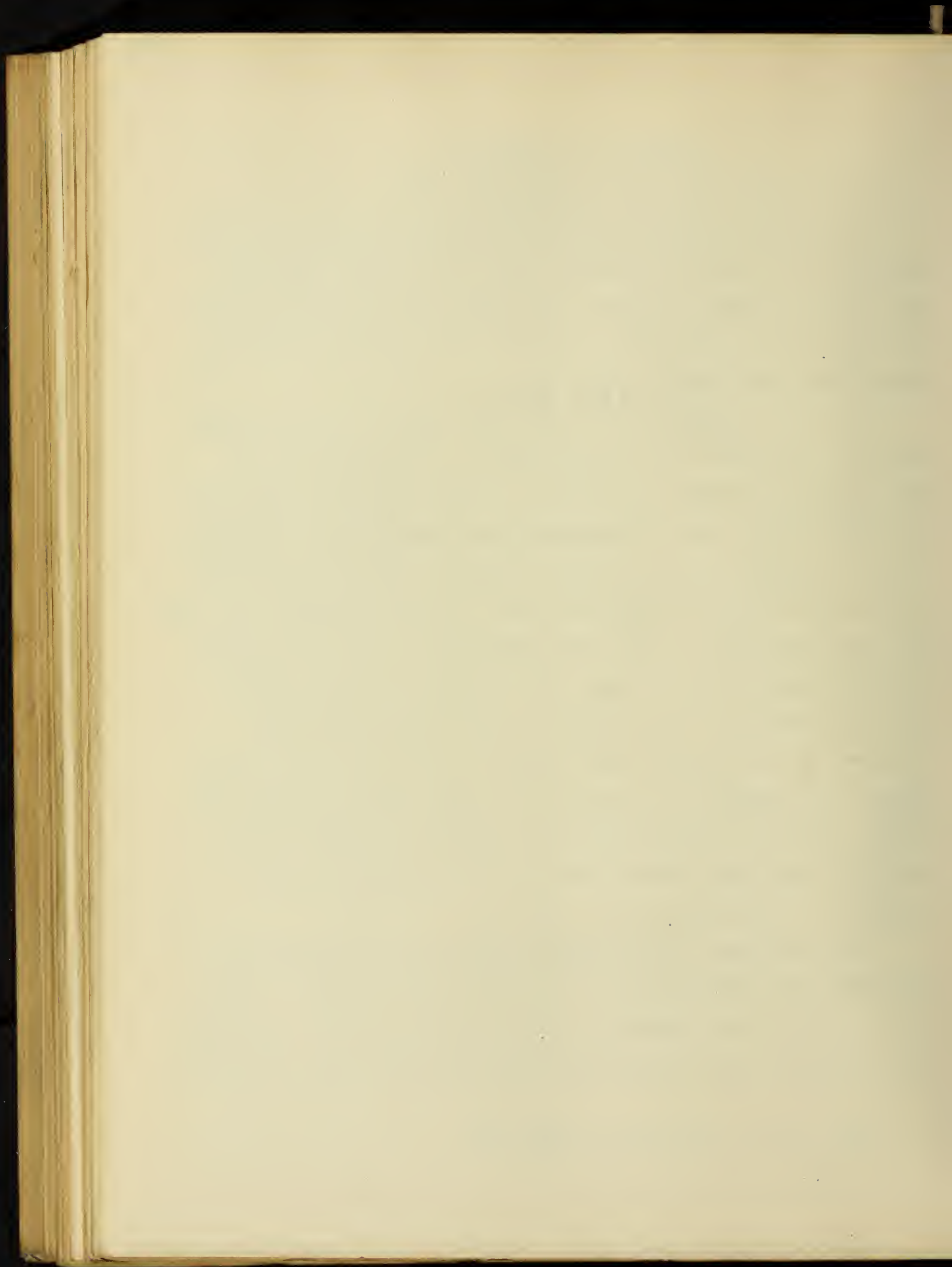
The first hindrance to the truly pious work of Christianizing these poor Barbarians is an unwillingness in their masters that they should be so. * * * The grounds of their prejudice against it are a vile conceit that the negroes have no immortal souls but are a sort of speaking brutes destined by God to a state of servitude.

* * * * * Another formerly was that Christianity would make them free, but this exception has been taken away by an act of assembly ratified by her Majesty by which its ordained that they remain still the property of their masters, notwithstanding Baptism.

* * * * * One thing I shall observe that by the Laws of the Country, the evidence of no negro can be taken against a White man tho the negro be a Christian yet the evidence of a negro that is not a Christian shall affect even the life of a negro that is a Christian in Criminals.

* * * * *

Their marriages are performed by mutual consent without the blessing of the Church and they are buried in the Common by those of their country and complexion without the office, on the contrary the Heathenish rites are performed at the grave by their countrymen".



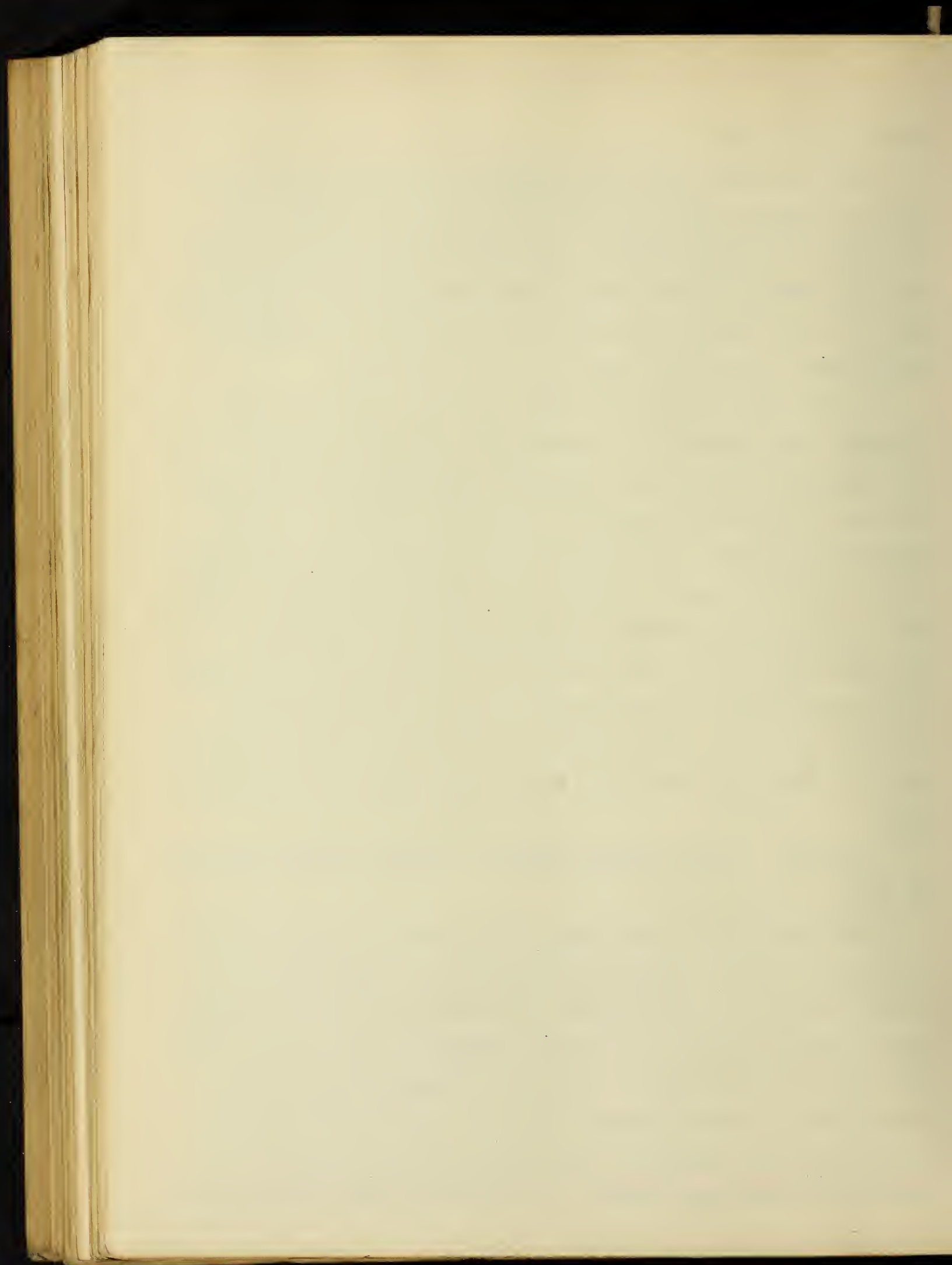
Written before 1753.

"Now the clergy sent over to America have proved, too many of them, very meanly qualified both in learning and in morals, for the discharge of their office. And indeed little can be expected from the example or instruction of those, who quit their native country on no other motive, than that they are not able to procure a livelihood in it, which is known to be often the case.

To this may be imputed the small care that hath been taken to convert the negroes of our plantations, who, to the infamy of England and scandal of the world, continue heathen under Christian masters, and in Christian countries. Which would never be, if our planters were rightly instructed and made sensible, that they disappointed their own baptism by denying it to those who belong to them: that it would be of advantage to their affairs, to have slaves who should "obey in all things their masters according to the flesh, not with eye-service as men-pleasers, but in singleness of heart, as fearing God:" that gospel liberty consists with temporal servitude; and that their slaves would only become better slaves by being Christian".

Ibid, 246. From a sermon preached by Bishop Berkeley, February 18, 1731.

"The negroes in the government of Rhode-Island are about half as many more than the Indians: and both together scarce amount to a seventh part of the whole colony. ** ** Some few are baptised; several frequent the different assemblies: and far the greater part none at all. ** ** An irrational contempt of the blacks, as creatures of another species, who had no right to be instructed or admitted to the sacraments, have proved the main obstacle to the conversion of these poor people. To this may be added an erroneous



notion, that the being baptized is inconsistent with a state of slavery".

Berkeley's Works III, 214.



"Memorial of Slavery in Massachussetts.

Boston 20 Feb 1765

I promise my Master Tho^o Hubbard Esq that if he will consent to my being married to Rose negro Woman belonging to John Winnett to be obedient & faithful to him & his, constant at home at his house on nights saye three in a week as he shall allow me & then very early at my masters on the following mornings & in every thing endeavor to please my Master mistress & others.

Peter

Witness

Peter's Mark.

Edward Lyde

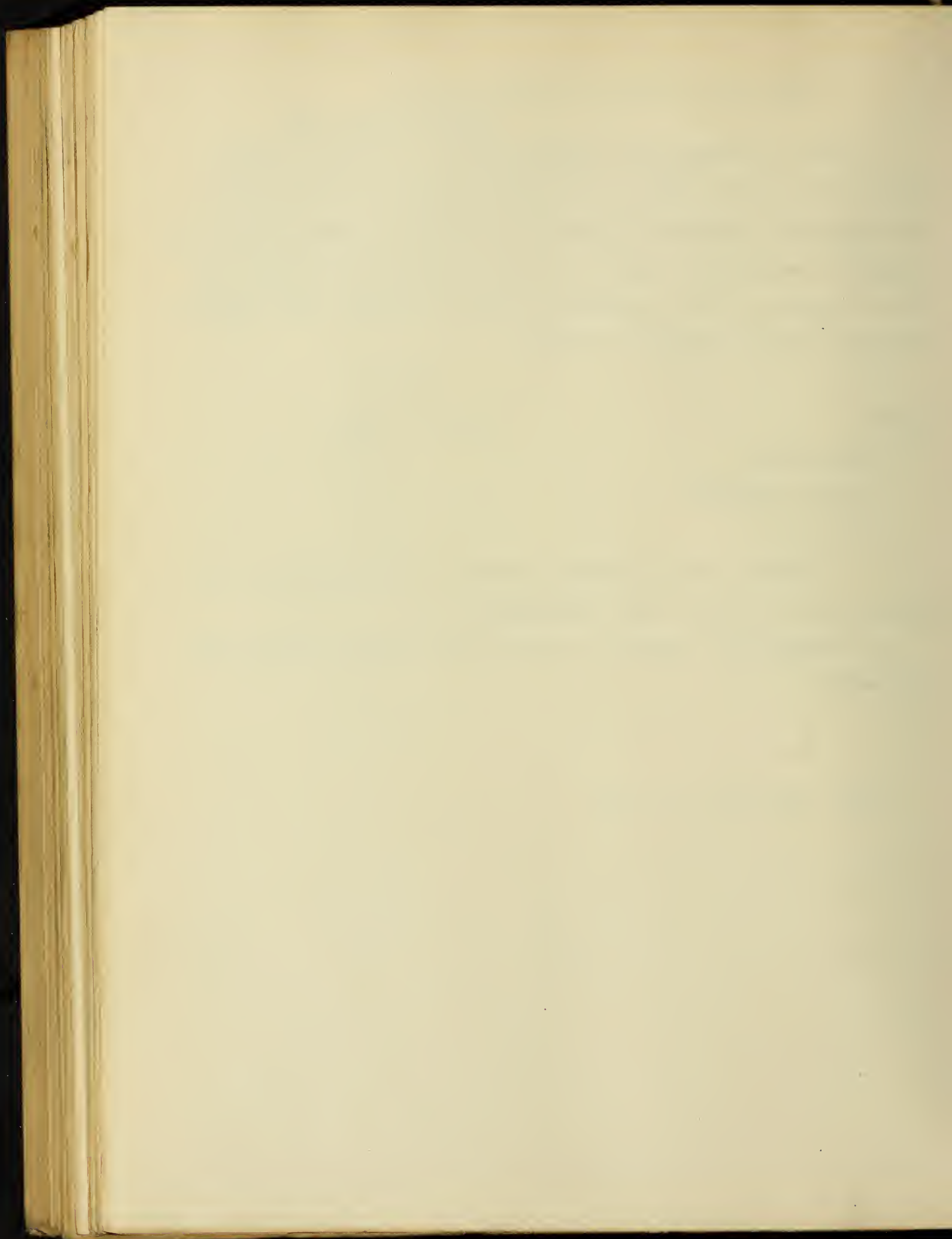
Thankfull Hubbard"

Footnote:

"Copied from the original, which is in Mr. Hubbards hand writing, by C. H. Morse, Esq., Washington, D. C.

Mr. Hubbard was a Deacon in the Old South Church, Boston, Massachussetts".

Hist. Mag. III, S. S., 21.



"From the Independent Chronicle, October 3, 1776.

'To be sold A stout, hearty, likely Negro Girl, fit for either Town or Country. Inquire of Mr. Andrew Gillespie, Dorchester, Octo. 1., 1776'.

From the same, October 10.

'A hearty Negro Man, with a small sum of Money to be given away'.

From the same, November 28.

'To Sell - A Hearty likely Negro Wench about 12 or 13 years of Age, has had the Small Pox, can wash, iron, card, and spin, etc., for no other Fault but for want of Employ'.

From the same, February 27, 1777.

'Wanted a Negro Girl between 12 and 20 Years of Age, for which a good Price will be given, if she can be recommended'.

From the Continentinal Journal, April 3, 1777.

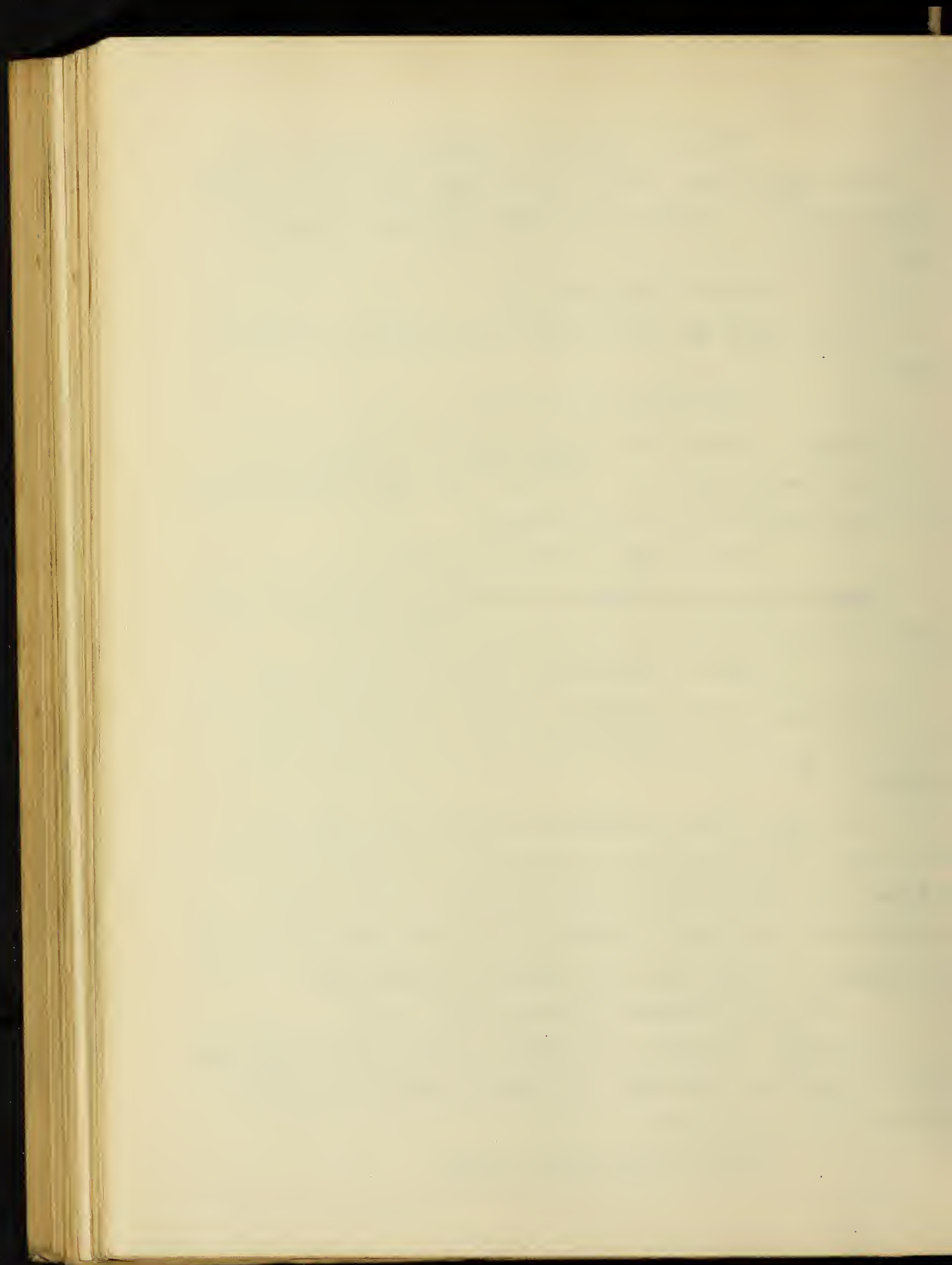
'To be sold, a likely Negro Man, twenty-two years old, has had the small-pox, can do any sort of business; sold for want of employment'.

'To be sold, a large, commodious Dwelling House, Barn, and Out-houses, with any quantity of land from 1 to 50 acres, as the Purchaser shall choose within 5 miles of Boston. Also a smart well-tempered Negro Boy of 14 years old, not to go out of this State and sold for 15 years only if he continues to behave well'.

From the Independent Chronicle, May 8, 1777.

'To be sold, for want of employment, a likely strong Negro Girl, about 18 years old, understands all sorts of household business, and can be well recommended'.

From the same, March 9, 1780.

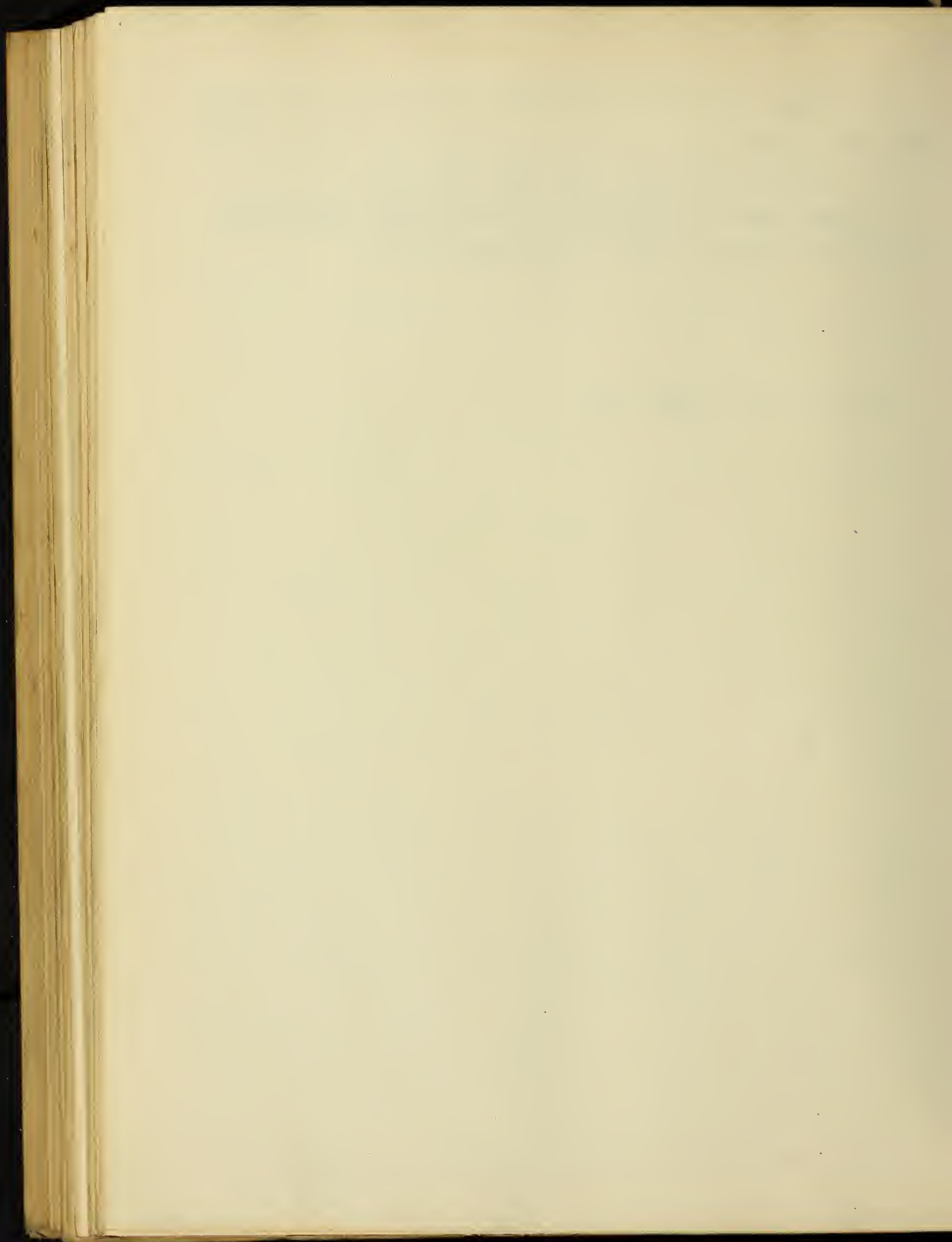


'To be sold, for want of employment, an exceeding likely Negro Girl, aged sixteen'.

From the same, Dec. 14th, 21st, 28th, 1780.

'A Negro Child, soon expected, of a good breed, may be owned by any person inclined to take it, and Money with it'.

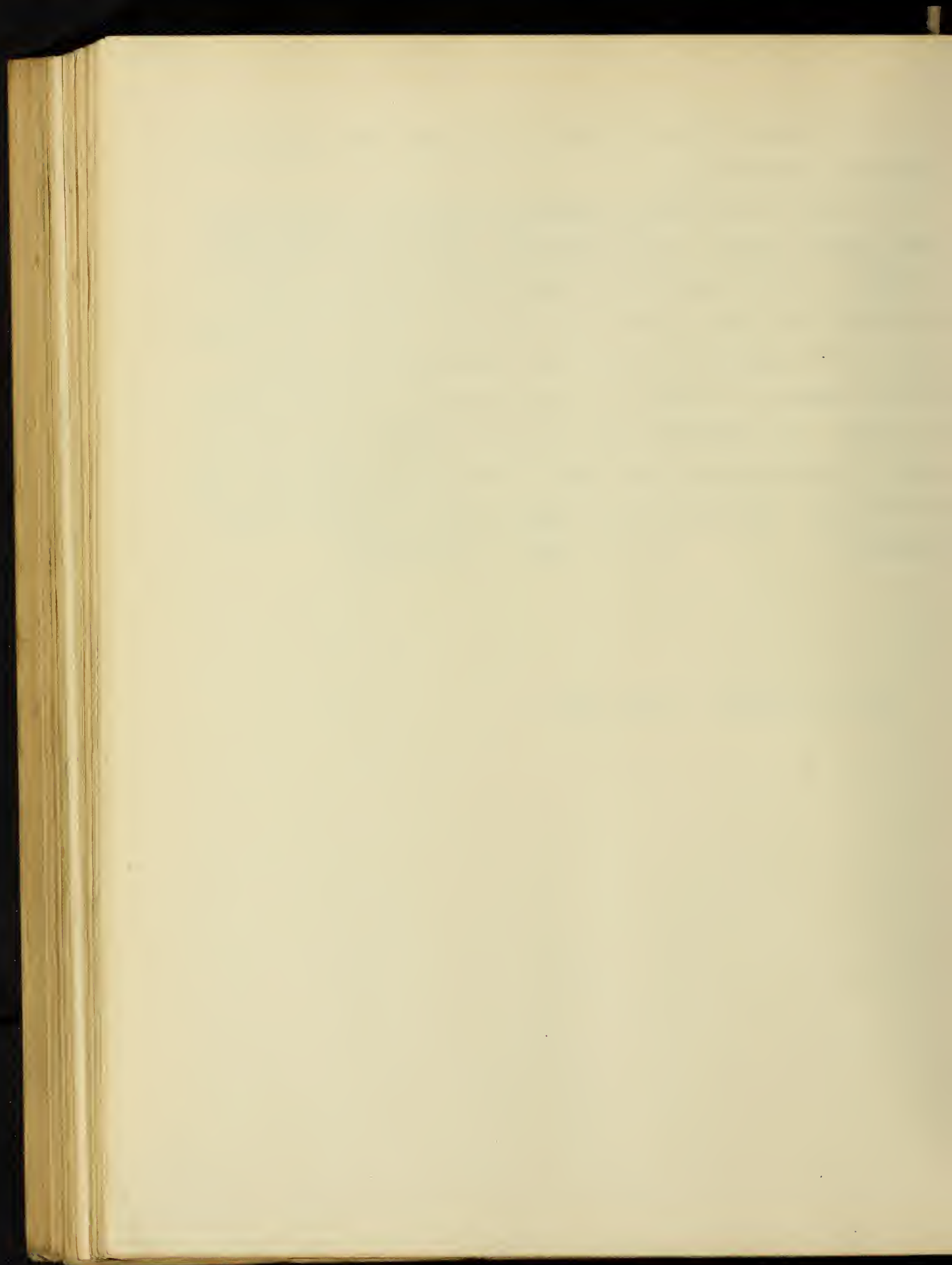
Hist. of Slav. in Mass. 178.



"Dr. Belknap wrote and printed, in the year 1795, a notice of this trial, which we copy.

'In 1781, at the Court in Worcester County, an indictment was found against a white man for assaulting, beating, and imprisoning a black. He was tried at the Supreme Judicial Court in 1783. His defence was, that the black was his slave, and that the beating, etc., was the necessary restraint and correction of the master. This was answered by citing the aforeaid clause in the declaration of rights. The judges and jury were of the opinion that he had no right to imprison or beat the negro. He was found guilty and fined 40 shillings. This decision was a mortal wound to slavery in Massachusetts! M. H. S. Coll. , I, IV, 203".

Hist. of Slavery in Mass., 214.



Article by George H. Moore.

"One of the most accomplished historical scholars in the country, Mr. J. Wingate Thornton, of Boston, has recently discovered the form of negro-marriage prepared and used by the Reverend Samuel Phillips of Andover, Massachusetts, whose ministry there, beginning in 1710 and ending with his death in 1771, was a prolonged and eminently distinguished service of more than half the eighteenth century. His immediate successor was the Reverend Jonathan French (1772-1809) in the family of whose son, Mr. Thornton found the document at North Hampton, N. H. on the thirty-first of December, 1868.

It is copied exactly from the original now before me, and the italics are marked by the author himself, whose work could certainly have been none other than of the most approved and orthodox pattern.

Ex uno disce omnes.

'A Form for a Negroe-Marriage

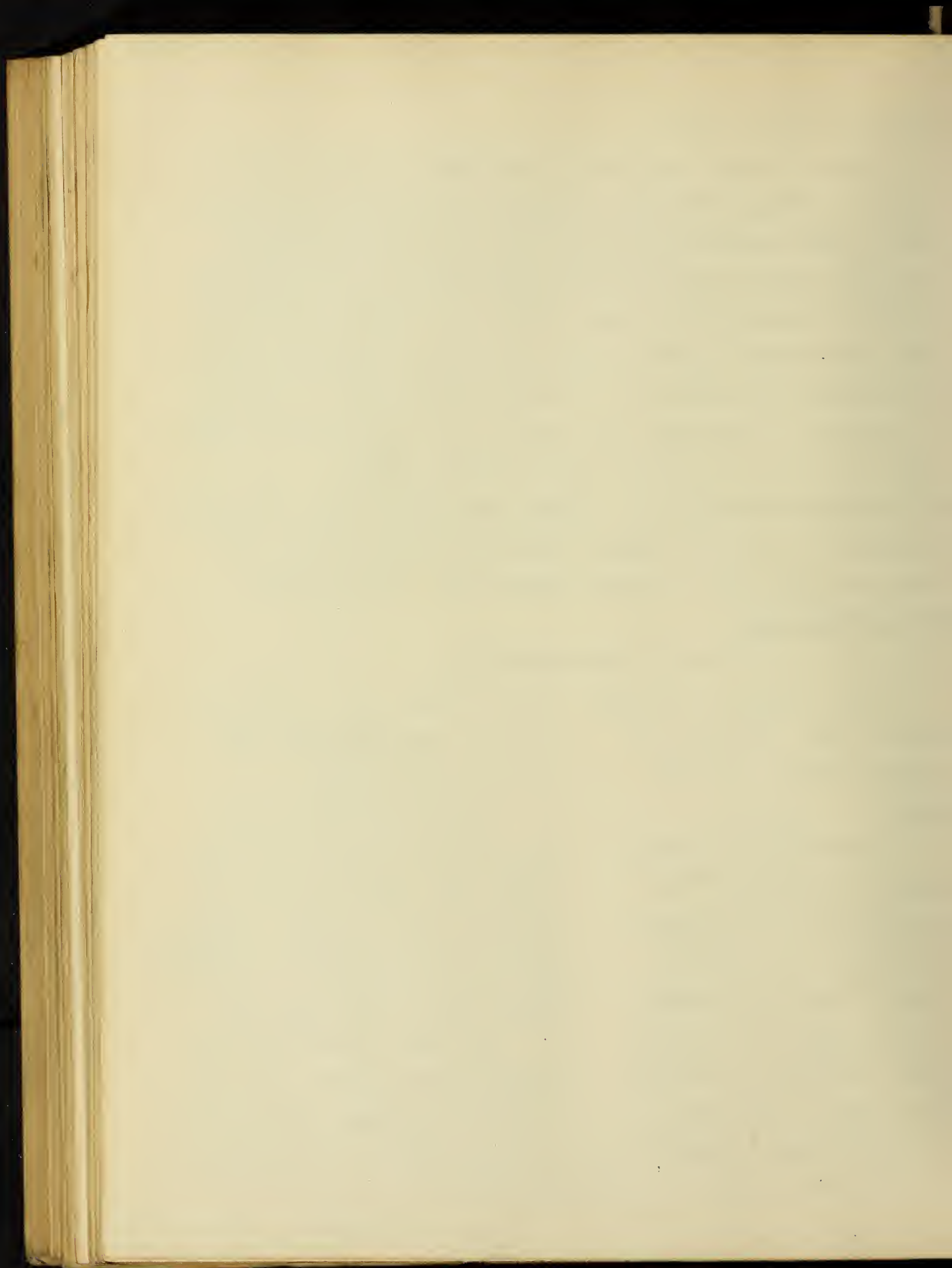
You S: do now, in the Presence of God, and these Witnesses, Take R: to be your Wife;

Promising that so far as shall be consistent wth y^e Relation w^{ch} you now Sustain, as Servant, you will Perform y^e Part of an Husband towards her:., And in particular, you Promise, that you will Love her: And that, as you shall have y^e Opport^{ty}

You R: do now, in y Presence of God, and these Witnesses, Take S: to be your Husband;

Promising, that so far as your present Relation, as a Servant, shall admit, you will Perform the Part of a Wife towards him: And in particular, You Promise, that you will Love him;

And that, as you shall have the Opport^{ty} & Ability, you will take a proper Care of him in Sickness and Health; in Prosperity &



& Ability, you will take a proper Care of her in Sickness and Health, in Prosperity & Adversity:

And that you will be True & Faithfull to her, and will Cleave to her only, so long as God, in his Provid^{ce}, shall continue your and her Abode in Such Place (or Places) as that you can conveniently come together: - Do you thus Promise?

Adversity:

And that you will be true & Faithful to him, and will cleave to him only, so long as God, in his Provid^{ce} shall continue his & your Abode in Such Place (or Places) as that you can conveniently come together: -

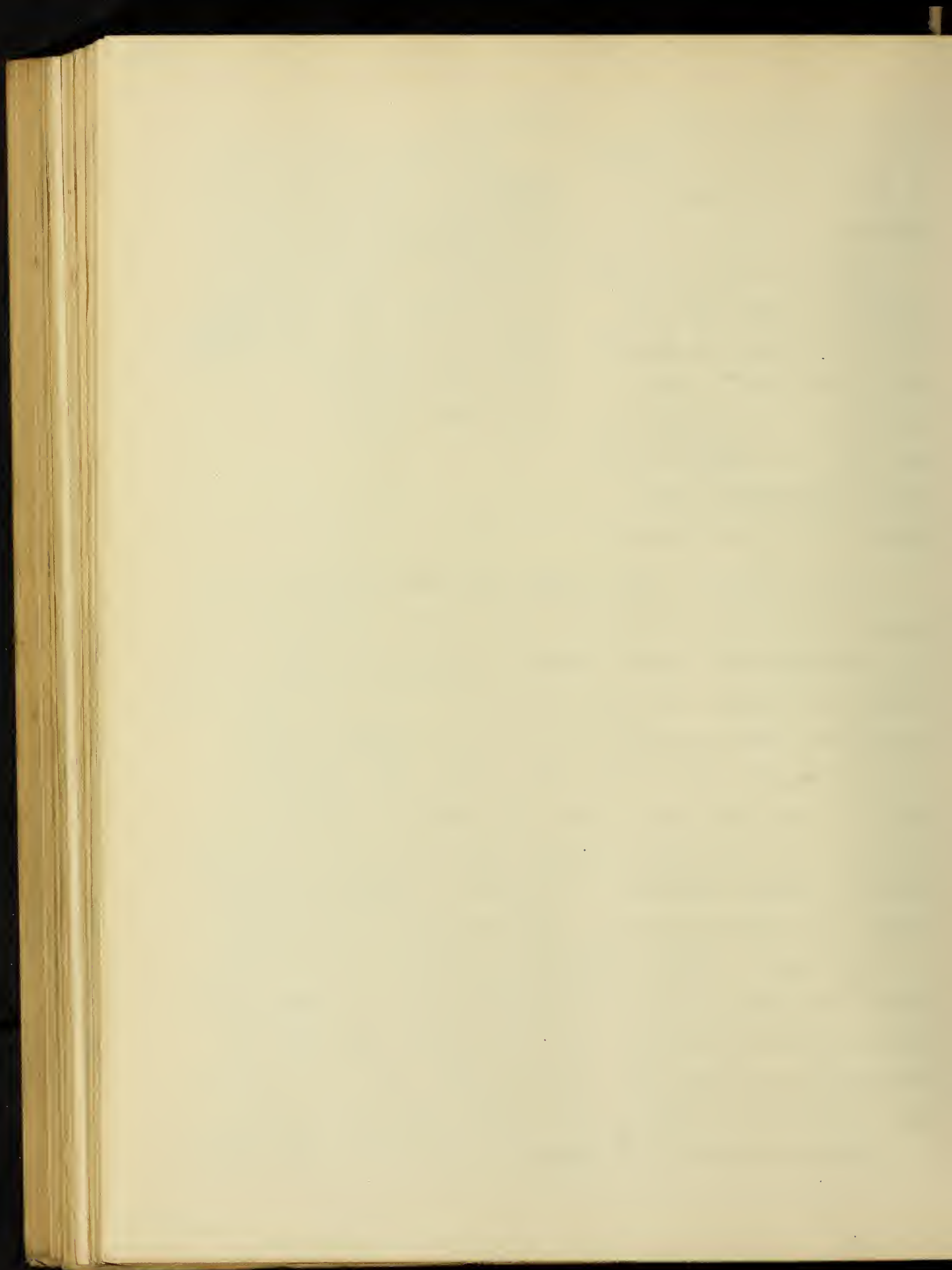
Do you thus promise?

I then, agreeable to your Request, and wth y^r Consent of your Masters and Mistresses, do declare, that you have Licence given you to be conversant and familiar together, as Husband and Wife, so long as God shall continue your Places of Abode as afore said; And so long as you shall behave your-Selves as it becometh Servants to doe:

For, you must, both of you, bear in mind, that you Remain Still, as really and truly as ever, your Master's Property, and therefore it will be justly expected, both by God and man, that you behave and conduct yourselves, as Ob-dient and faithfull-Servants towards your respective Masters & Mistresses for the Time being:

And finally, I exhort & charge you to beware lest you give place to the Devil, so as to take Occasion from the Licence now given you, to be lifted up with Pride, and thereby fall under the Displeasure, not of Man only, but of God also; for, it is written, that God resisteth the Proud, but he giveth Grace to the humble.

I shall now conclude wth Prayer for you, that you may become

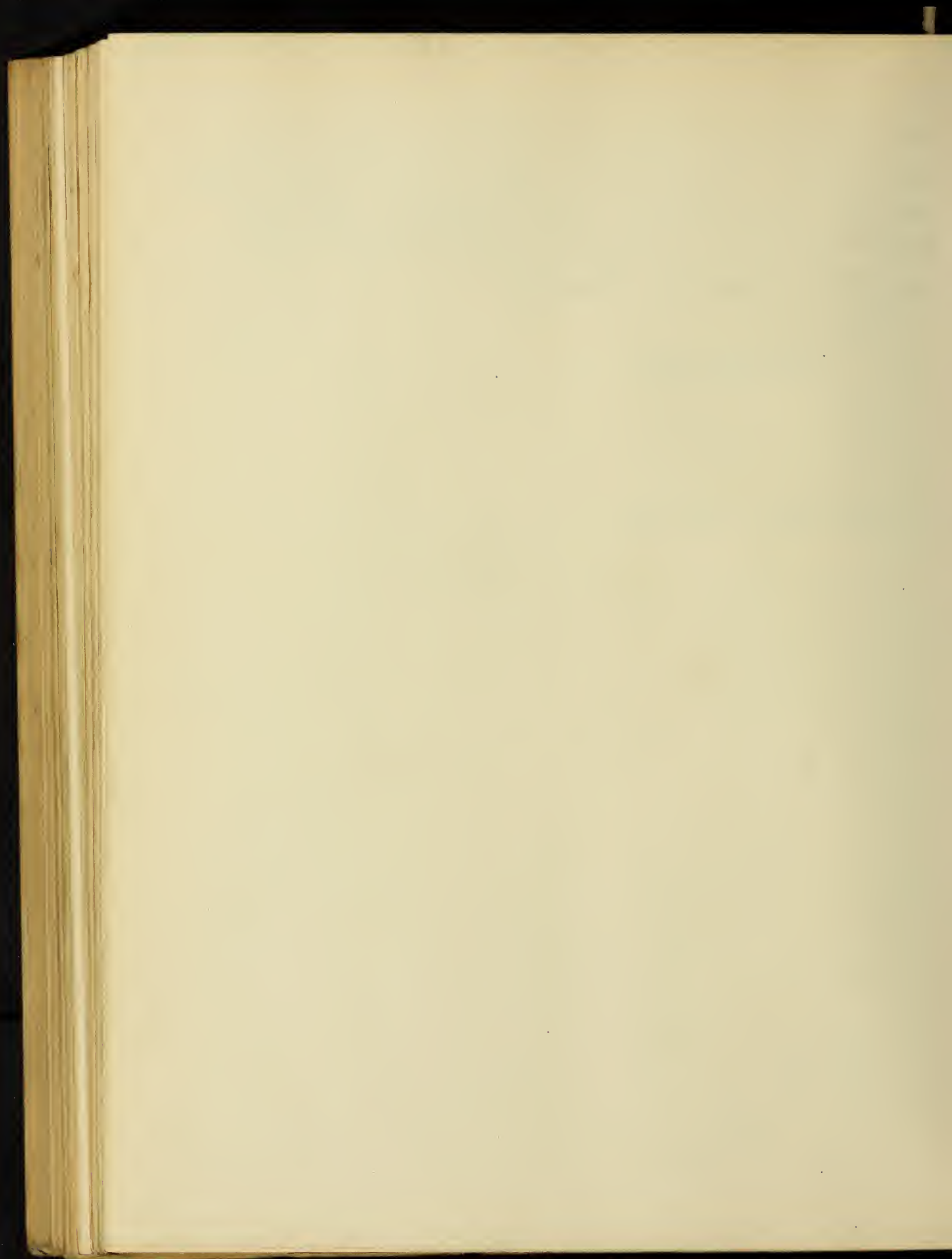


good Christians, and that you may be enabled to conduct as such;
 and in partic^ul^r, that you may have Grace to behave suitably towards
 each other, as also dutifully towards your Masters & Mistresses,
 Not yth Eye-Service, as Men-pleasers, but as y^e Serv^{ts} of Chr^t,
 doing y^e Will of God from y^e heart &c.

(Endorsed)

Negroe-Marriage"

Hist. Mag. v. S.S. 136.

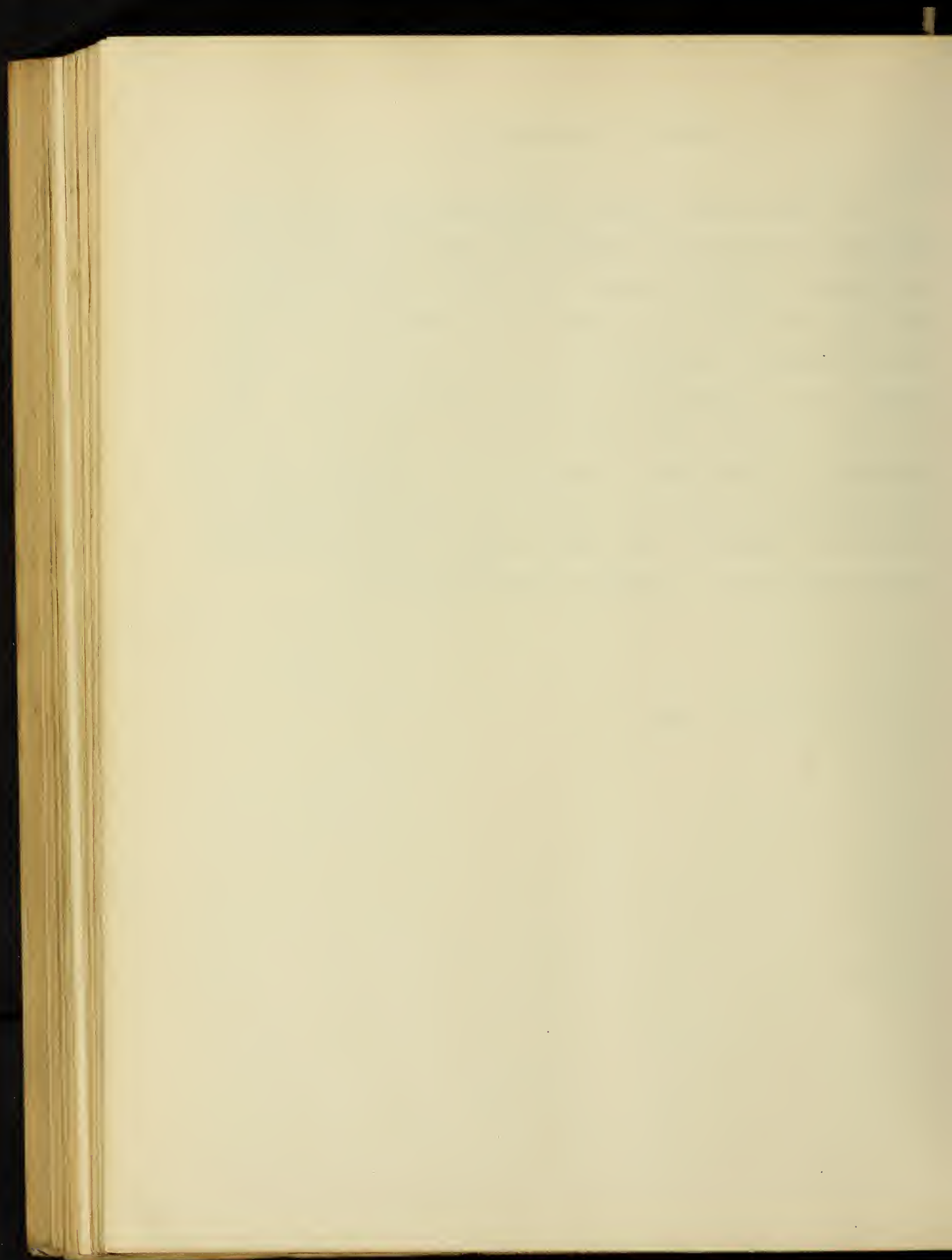


APPENDIX TO CHAPTER VII.

Nov. 4, 1646.

"The General Court, conceiving themselves bound by the first opportunity to bear witness against the heinous and crying sin of man stealing, as als to prescribe such timely redress for what is past, and such a law for the future as may sufficiently deter all others belonging to us to have to do in such vile and most odious courses, justly abhorred of all good and just men, do order, that the negro interpreter, with others unlawfully taken, be, by the first opportunity, (at the charge of the country for present,) sent to his native country of Guinea, and a letter with him of the indignation of the Court thereabouts, and justice hereof, desiring our honored Governor would please to put this order in execution".

Rec. of Mass. II, 168.



"Acts passed at the session begun and held at Boston on the x twenty-sixth day of May, A. D. 1703.

Chapter 1.

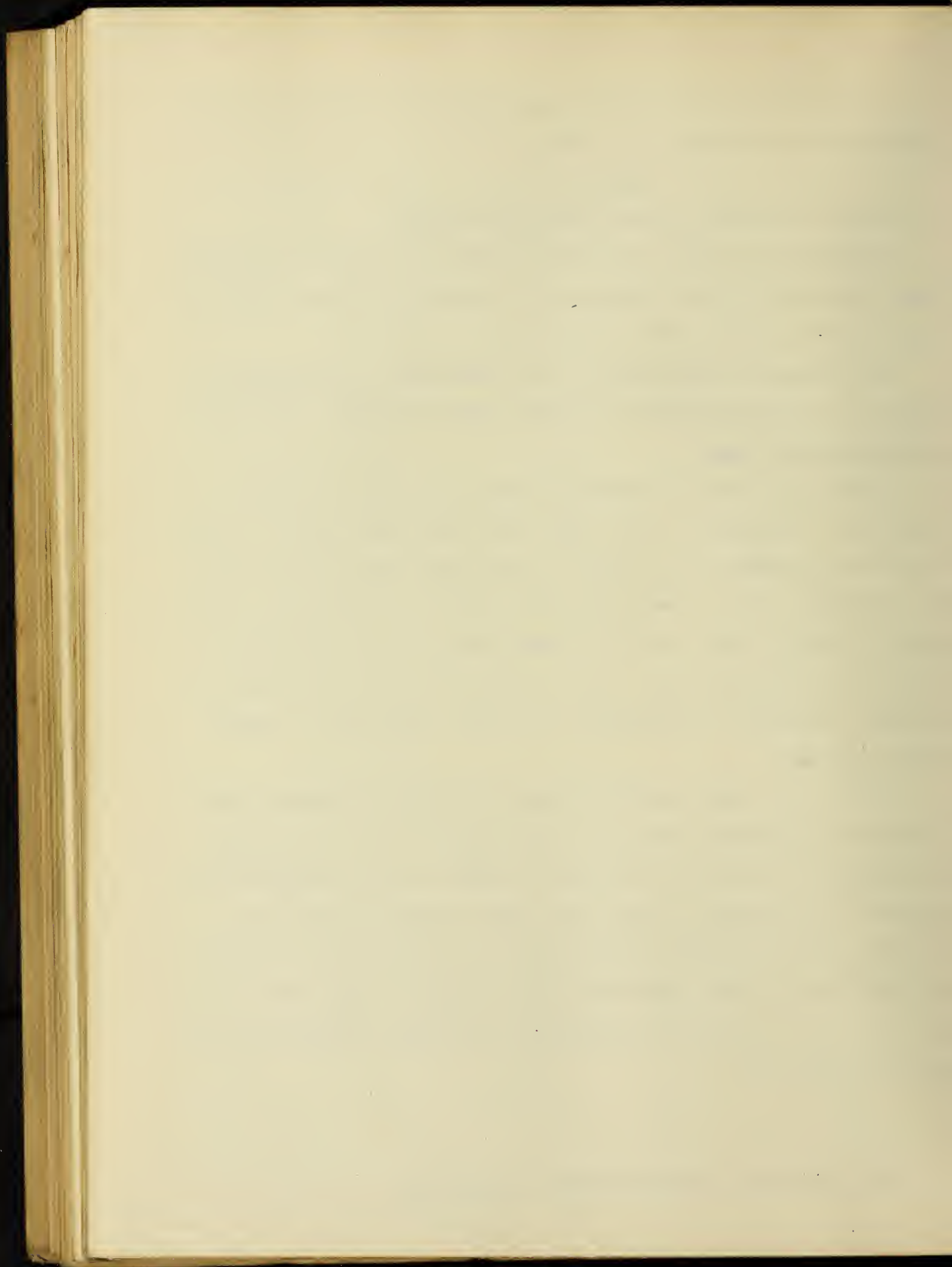
An Act relating to Molato and Negro Slaves.

Whereas great charge and inconveniences have arisen to divers towns and places, by the releasing and setting at liberty molato and negro slaves; for prevention whereof for the future, -

Be it declared and enacted by His Excellency the Governour, X Council and Representatives in General Court assembled, and by the authority of the same,

(Sect. 1.) That no molato or negro slave shall hereaftre be manumitted, discharged or set free, until sufficient security be given to the treasurer of the town or place where such person dwells, in a valuable sum, not less than fifty pounds, to secure and indemnify the town or place from all charge for or about such molato or negro, who to be manumitted and set at liberty, in case he or she by x sickness, lameness, or otherwise, be rendred incapable to support him- or herself.

(Sect. 2). And no molato or negro hereafter manumitted shall be deemed or accounted free, for whom security shall not be given as aforesaid, but shall be the proper charge of their respective x masters or mistresses, in case they stand in need of relief and support, notwithstanding any manumission or instrument of freedom to them made or given, and shall also be liable at all times to be put forth to service by the selectmen of the town. (Passed July 28; published July 31".



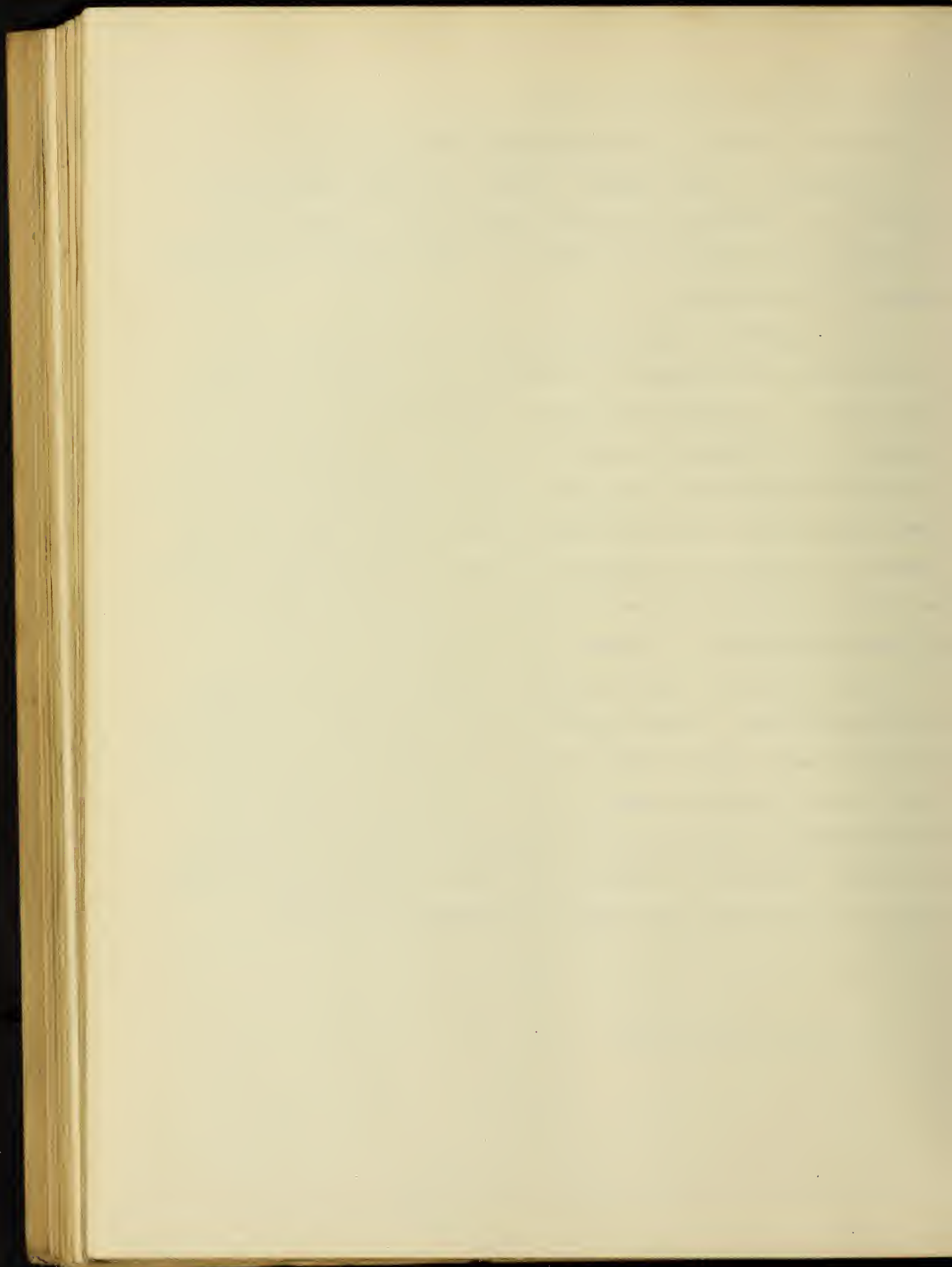
The third Tuesday of February, 1729.

"An Act relating to freeing mulatto and negro slaves.

Forasmuch, as great charge, trouble and inconveniencies have arisen to the inhabitants of divers towns in this colony, by the manumitting and setting free mulatto and negro slaves; for remedying whereof, for the future, -

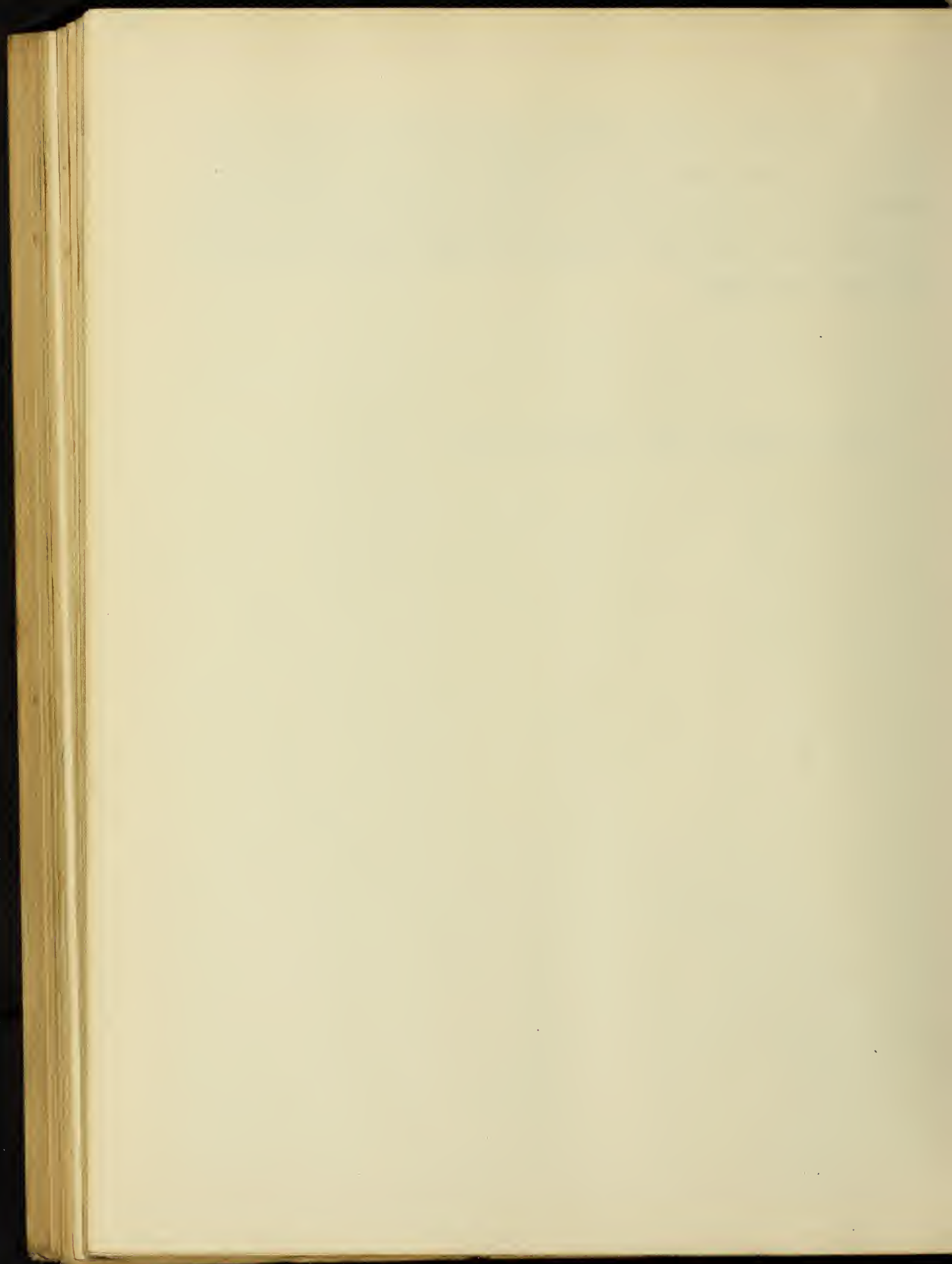
Be it enacted by the General Assembly of this colony, and by the authority of the same it is enacted, that no mulatto or negro slave, shall be hereafter manumitted, discharged or set free, or at liberty, until sufficient security be given to the towntreasurer of the town or place where such person dwells, in a valuable sum of not less than £100, to secure and indemnify the town or place from all charge for, or about such mulatto or negro, to be manumitted and set at liberty, in case he or she by sickness, lameness or otherwise, be rendered incapable to support him or herself.

And no mulatto or negro hereafter manumitted, shall be deemed or accounted free, for whom security shall not be given as aforesaid, but shall be the proper charge of their respective masters or mistresses, in case they shall stand in need of relief and support; notwithstanding any manumission or instrument of freedom to them made and given; and shall be liable at all times to be put forth to service by the justices of the peace, or wardens of the town".



"5. Wednesday. (1766) Attended court; heard the trial of an action of trespass, brought by a mulatto woman, for damages, for restraining her of her liberty. This is called suing for liberty; the first action that ever I knew of the sort, though I have heard there have been many".

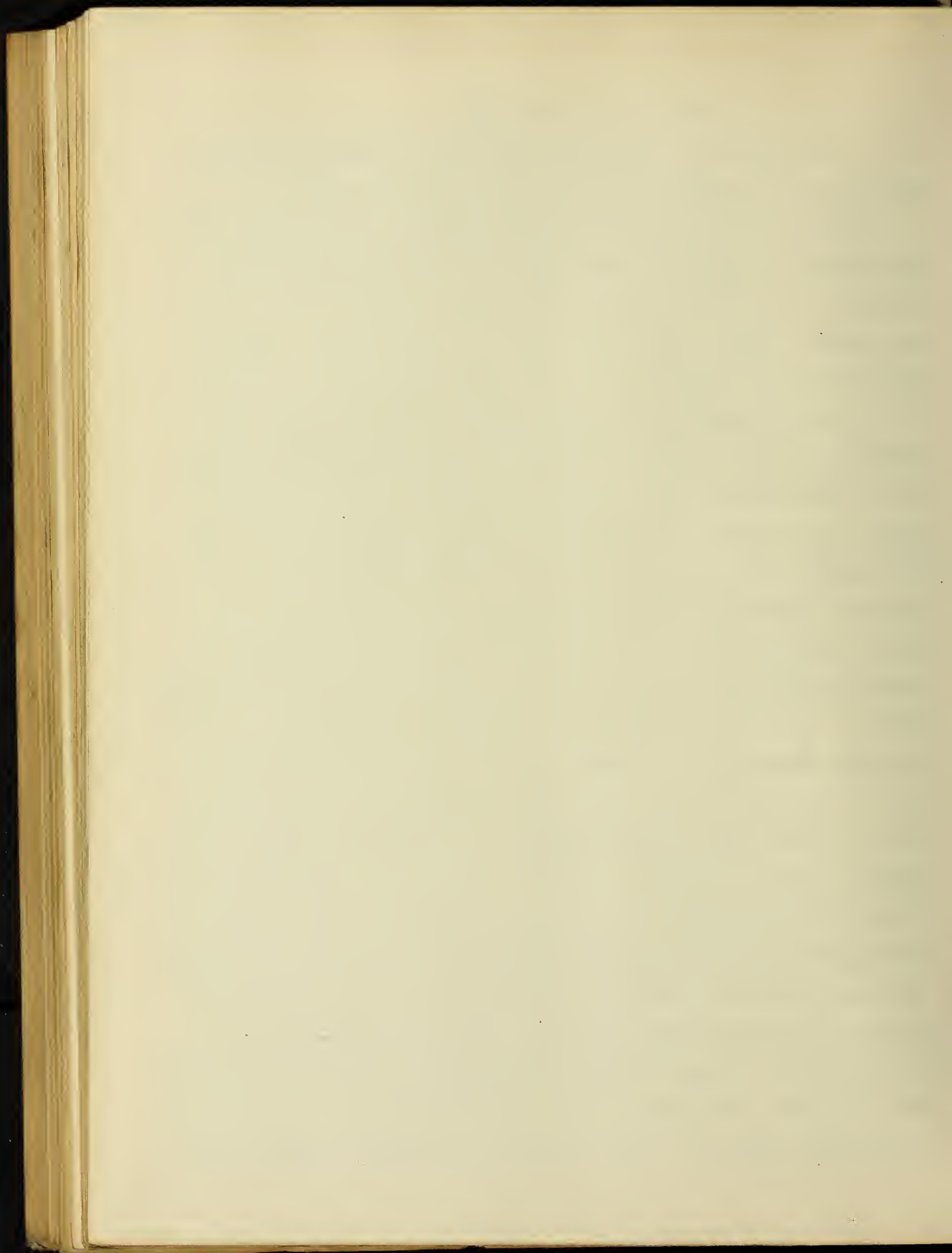
Life and Works of John Adams, II, 200.



" 'State of New Hampshire.

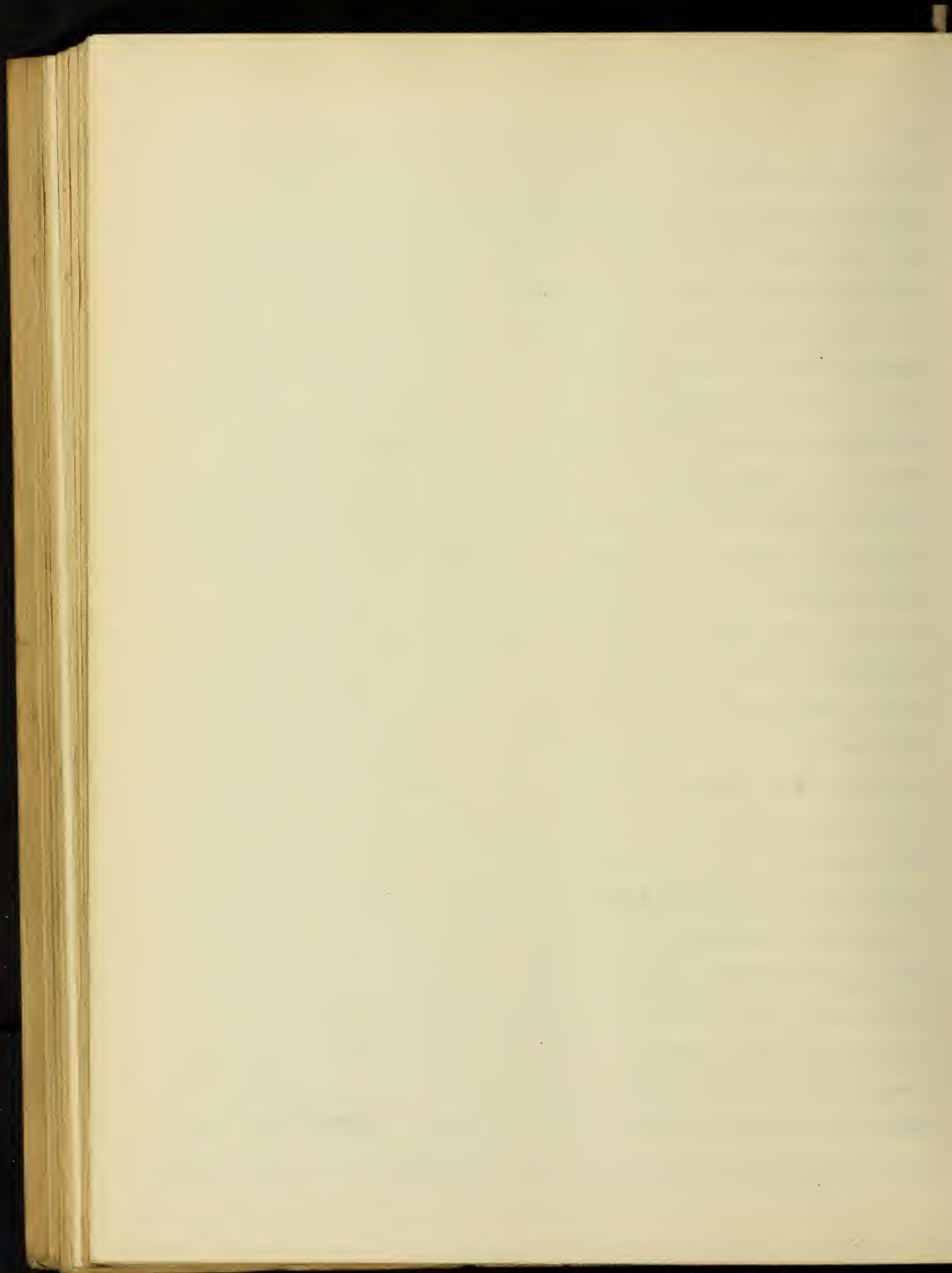
To the Honorable , the Council and House of Representatives of said state, now sitting at Exeter in and for said state:

The petition of the subscribers, natives of Africa, now forcibly detained in slavery in said state most humbly sheweth, That the God of nature gave them life and freedom, upon the terms of the most perfect equality with other men; That freedom is an inherent right of the human species, not to be surrendered but by consent for the sake of social life; That private or public tyranny and slavery are alike detestable to minds conscious of the equal dignity of human nature; That in power and authority of individuals derived solely from a principle of coercion , against the will of individuals, and to dispose of their persons and properties, consists the completest idea of private and political slavery; That all men being amenable to the Deity for the ill-improvement of the blessings of His Providence, they hold themselves in duty bound strenuously to exert every faculty of their minds to obtain that blessing of freedom, which they are justly entitled to from that donation of the beneficent Creator; That through ignorance and brutish violence of their native countrymen, and by the sinister designs of others (who ought to have taught them better), and by the avarice of both, they, while but children, and incapable of self-defence, whose infancy might have prompted protection, were seized, imprisoned, and transported from their native country, where (though ignorance and unChristianity prevailed) they were born free, to a country, where (though knowledge, Christianity, and freedom are their boast) they are compelled and their posterity to drag on their lives in miserable servitude: Thus , often is the parent's cheek wet for



the loss of a child, torn by the cruel hands of violence from her aching bosom; Thus, often and in vain is the infant's sigh for the nurturing care of its bereaved parent, and thus do the ties of nature and blood become victims to cherish the vanity and luxury of a fellow mortal. Can this be right? Forbid it gracious Heaven.

Permit again your humble slaves to lay before this honorable assembly some of those grievances which they daily experience and feel. Though fortune hath dealt out our portion with rugged hand, yet hath she smiled in the disposal of our persons to those who claim us as their property; of them we do not complain, but from what authority they assume the power to dispose of our lives, freedom and property, we would wish to know. Is it from the sacred volume of Christianity? There we believe it is not to be found; but here hath the cruel hand of slavery made us incompetent judges, hence knowledge is hid from our minds. Is it from the volumes of the ~~l~~ laws? Of these also slaves can not be judges, but those we are told are founded on reason and justice; it cannot be found there. Is it from the volumes of nature? No, here we can read with others, of this knowledge, slavery can not wholly deprive us; here we know that we ought to be free agents; here we feel the dignity of human nature; here we feel the **P**assions and desires of men, though checked by the rod of slavery; here we feel a just equality; here we know that the God of nature made us free. Is their authority assumed from custom? If so let that custom be abolished, which is not founded in nature, reason nor religion. Should the humanity and benevolence of this honorable assembly restore us that state of liberty of which we have been so long deprived, we ^{conceive} ~~can see~~ that those who are our present masters will not be sufferers by our deliberation,

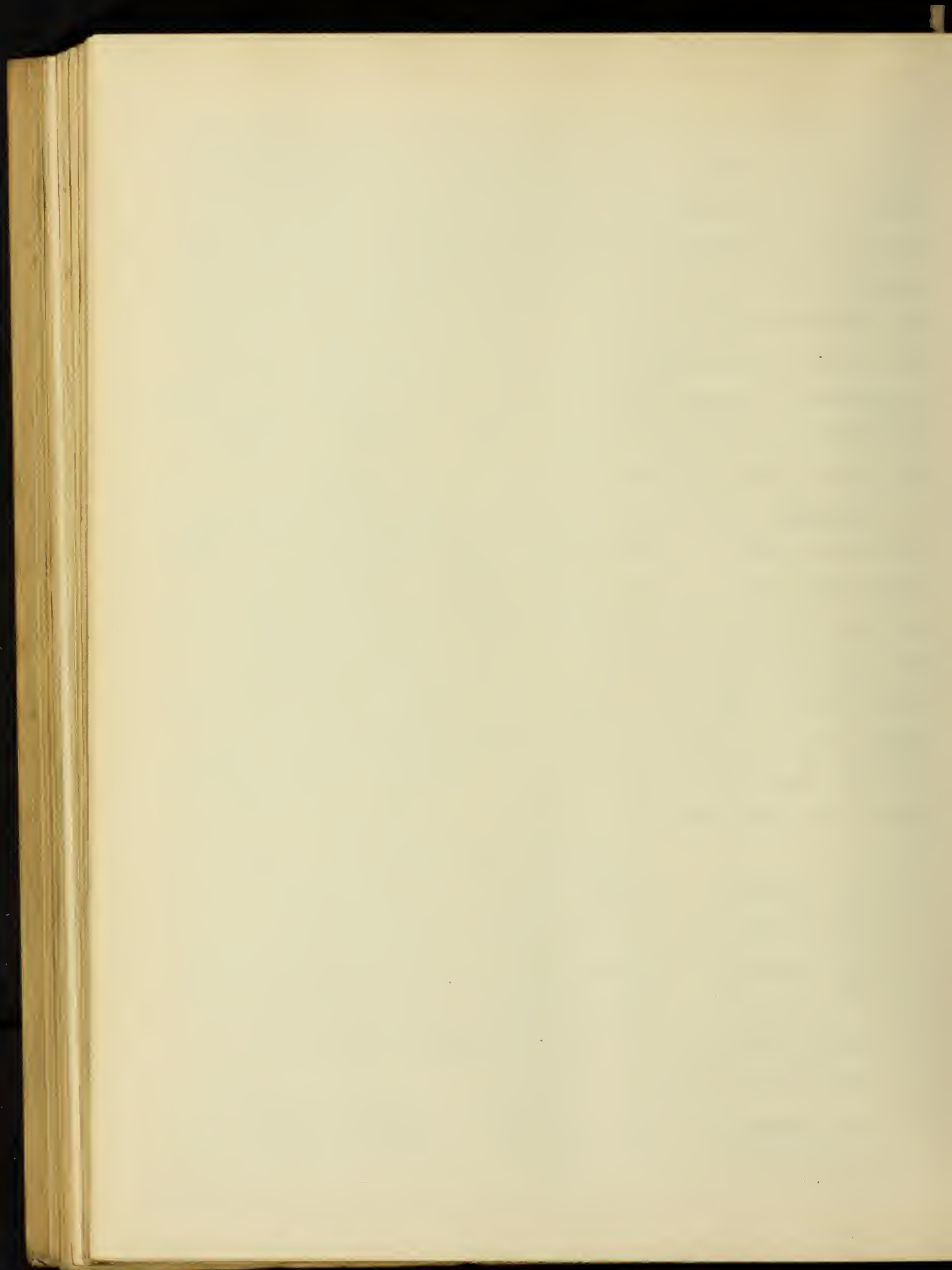


as we have most of us spent our whole strength and the prime of our lives in their service; and freedom inspires a noble confidence and gives the mind an emulation to vie in the noblest efforts of enterprise, and as justice and humanity are the result of your deliberations, we fondly hope that the eye of pity and the heart of justice may commiserate our situation, and put us upon the equality of free-men, and give us an opportunity of evincing to the world our love of freedom by exerting ourselves in her cause, in opposing the efforts of tyranny and oppression over the country in which we ourselves have been so long injuriously enslaved.

Therefore, Your humble slaves most devoutly pray for the sake of injured liberty, for the sake of justice, humanity and the rights of mankind, for the honor of religion and by all that is dear, that your honors would graciously interpose in our behalf, and enact such laws and regulations, as you in your wisdom think proper, whereby we may regain our liberty and be ranked in the class of free agents, and that the name of slave may not more be heard in a land gloriously contending for the sweets of freedom. And your humble slaves as in duty bound will ever pray.

Portsmouth Nov. 12, 1779.

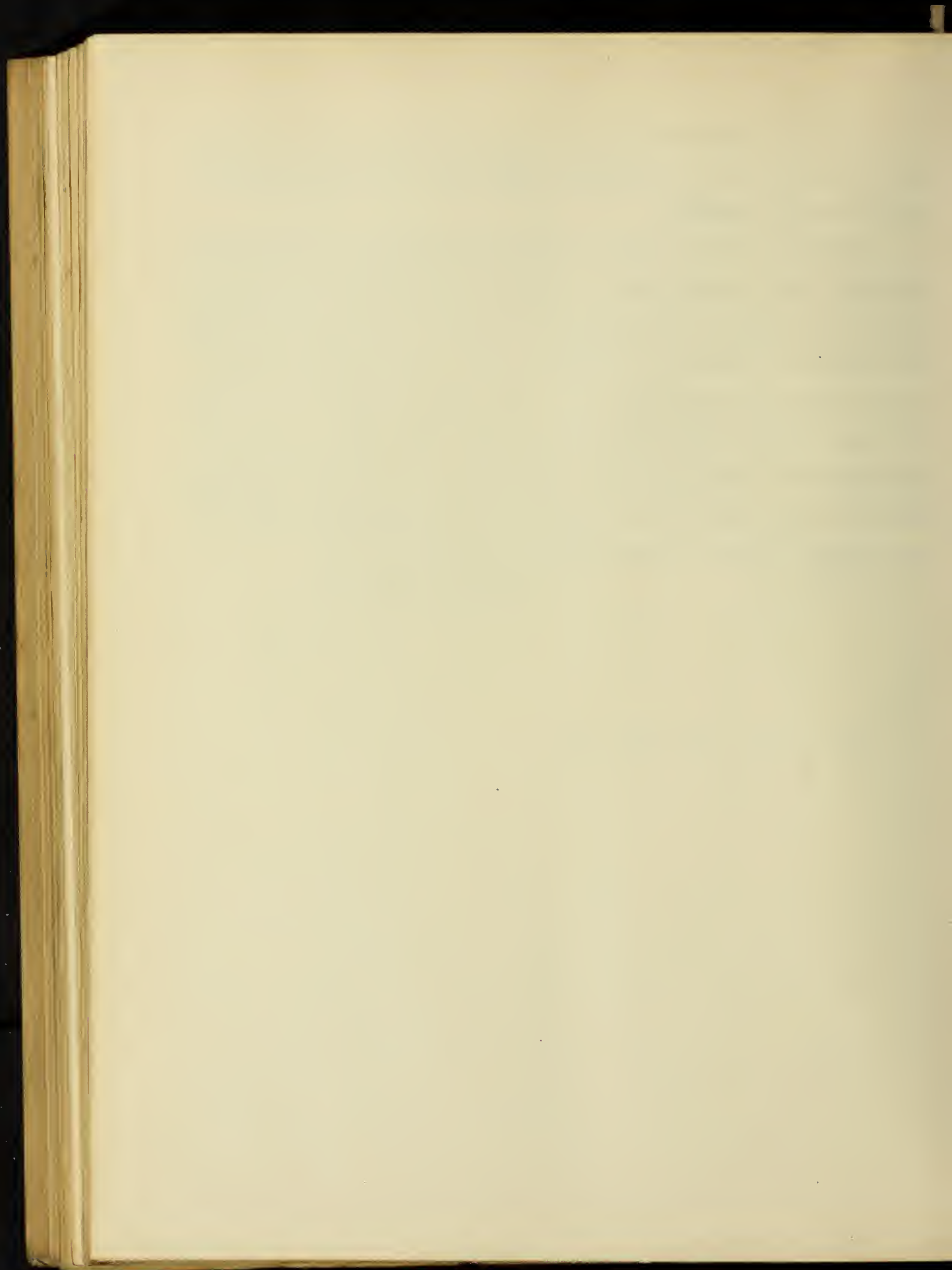
Nero Brewster,	Pharaoh Rogers,	Romeo Rindge,
Seneca Hall,	Cate Newmarch,	Peter Warner,
Cesar Cerrish,	Pharaoh Shores,	Zebulon Gardner,
Winsor Moffatt,	Quam Sherburne,	Carrett Cotton,
Samuel Wentworth,	Kittridge Tuckerman,	Will Clarkson,
Peter Frost,		
Cipio Hubbard,	Jack Odiorne,	Prince Whipple".



1771
The matter was *** before the house on Friday, June 9, 1780,
and was disposed of in the manner shown by the following extract
from their ^odily journal.

'Agreeable to the order of the day the petition of Nero Brew-
ster and others, negro slaves, praying to be set free from slavery,
being read, considered and argued by counsel for petitioners before
this House, it appears to this House that at this time the House
is not ripe for a determination in this matter: Therefore, ordered
that the further consideration and determination of the matter be
post poned to a more convenient opportunity'. I find no further
mention of the matter in the journals of the legislature, and it
was probably not again considered by that body.

Isaac W. Hamond^w".

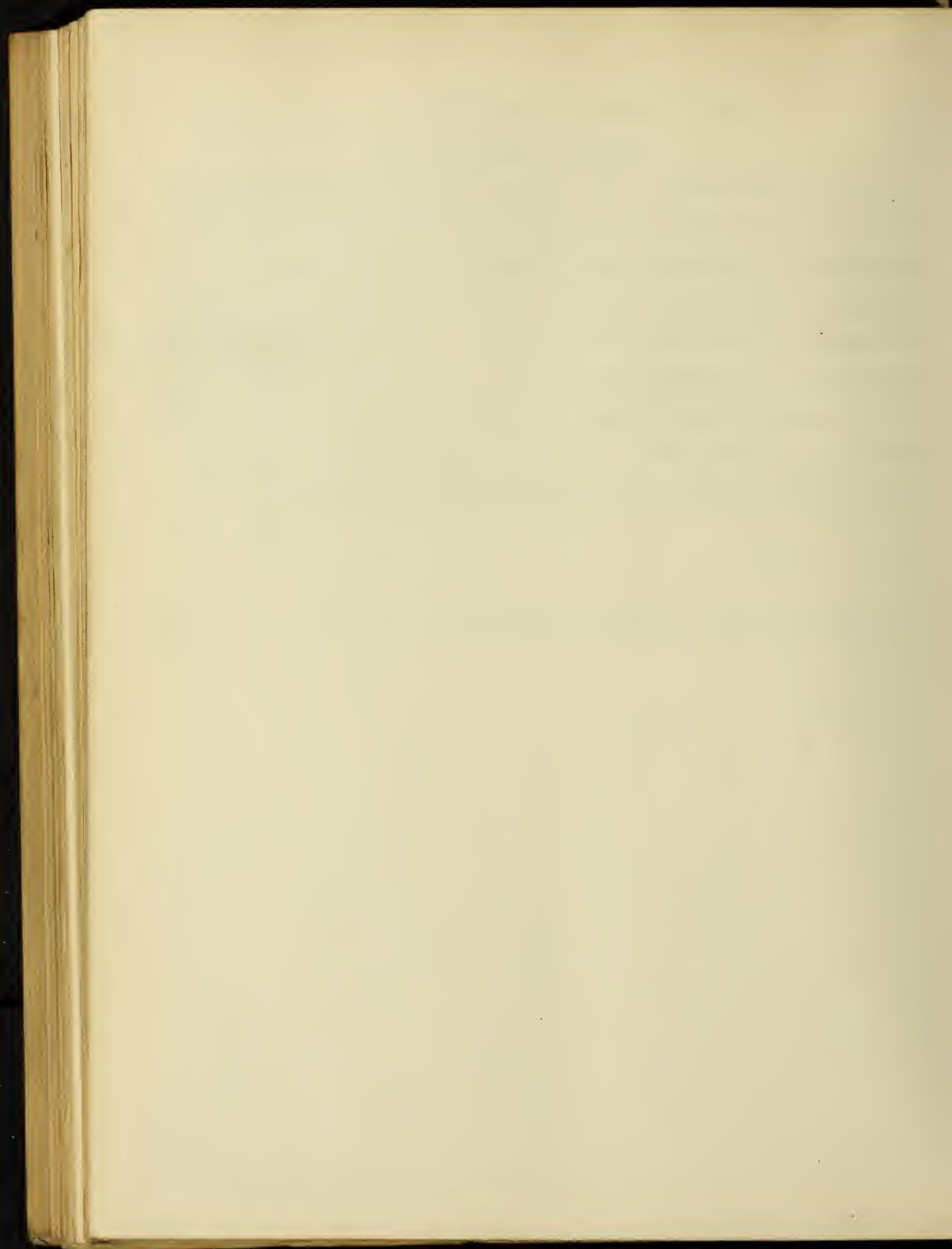


From the Marquis de Lafayette.

" Cadiz, 5 February, 1783.

Now, my dear General, that you are going to enjoy some ease and quiet, permit me to propose a plan to you, which might become greatly beneficial to the black part of mankind. Let us unite in purchasing a small estate, where we may try the experiment to free the negroes, and use them only as tenants. Such an example as yours might render it a general practice; and if we succeed in America, I will cheerfully devote a part of my time to render the method fashionable in the West Indies. If it be a wild scheme, I had rather be mad this way, than to be thought wise in the other task".

Corres. of Rev., Letters to Washington, III, 547.



The last Monday in February, 1784.

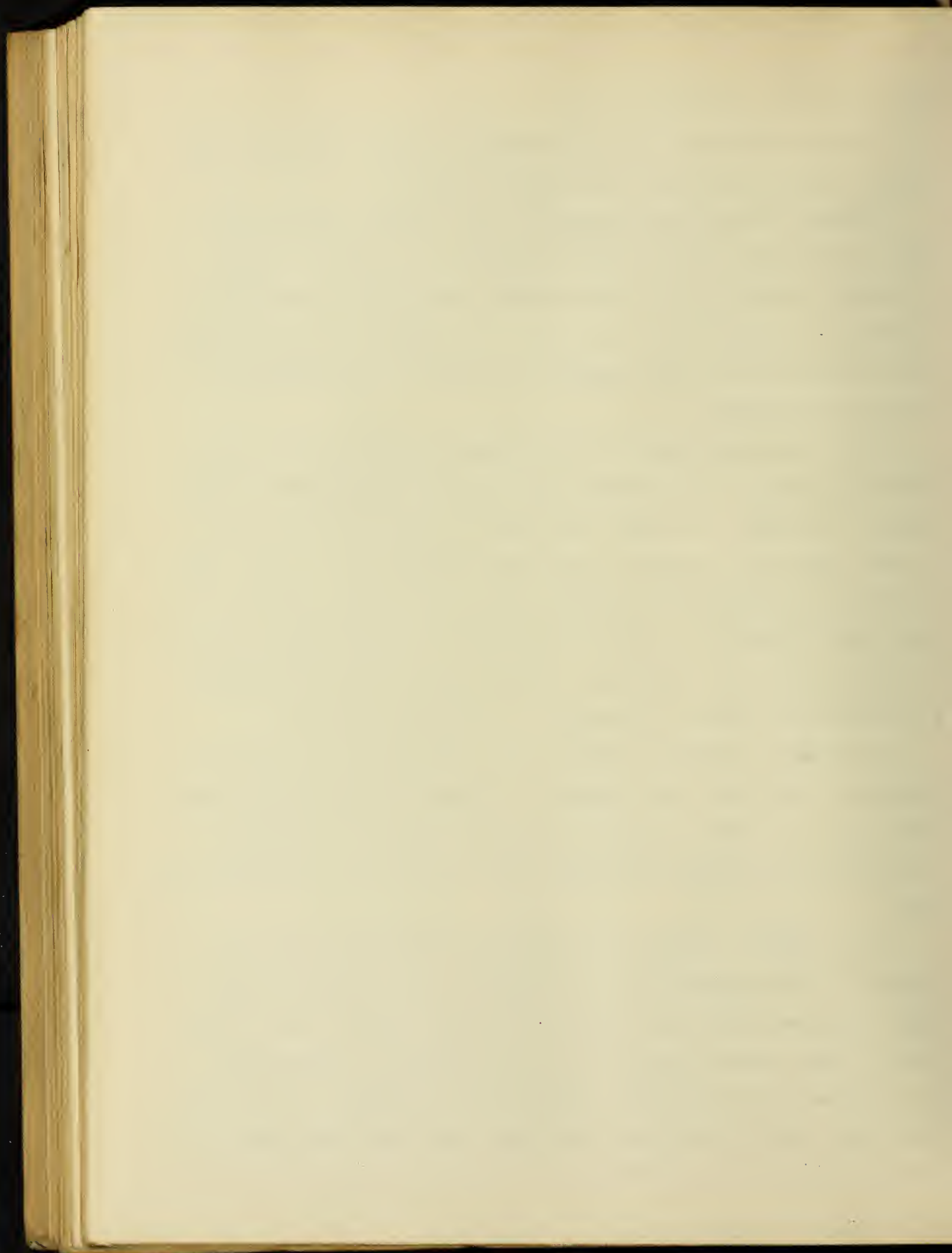
"An Act authorizing the manumission of negroes, mulattoes, and others, and for the gradual abolition of slavery.

Whereas, all men are entitled to life, liberty, and the pursuit of happiness, and the holding mankind in a state of slavery, as private property, which has gradually obtained by unrestrained custom and the permission of the laws, is repugnant to this principle, and subversive of the happiness of mankind, the great end of all civil government, -

Be it therefore enacted by this General Assembly, and by the authority thereof it is enacted, that no person or persons, whether negroes, mulattoes, or others, who shall be born within the limits of this state, on or after the first day of March, A. D. 1784, shall be deemed or considered as servants for life or slaves; and that all servitude for life, or slavery of children, to be born as aforesaid, in consequence of the condition of their mothers, be, and the same is, thereby taken away, extinguished, and forever abolished.

And whereas, humanity requires that children declared free as aforesaid remain with their mothers a convenient time from and after their birth; to enable, therefore those who claim the services of such mothers to maintain and support such children in a becoming manner,-

It is further enacted by the authority aforesaid, that such support and maintenance be at the expense of the respective towns where those reside and are settled: provided, however, that the respective town councils may bind out such children as apprentices, or otherwise provide for their support and maintenance, at any time after they arrive at the age of one year, and before they arrive to

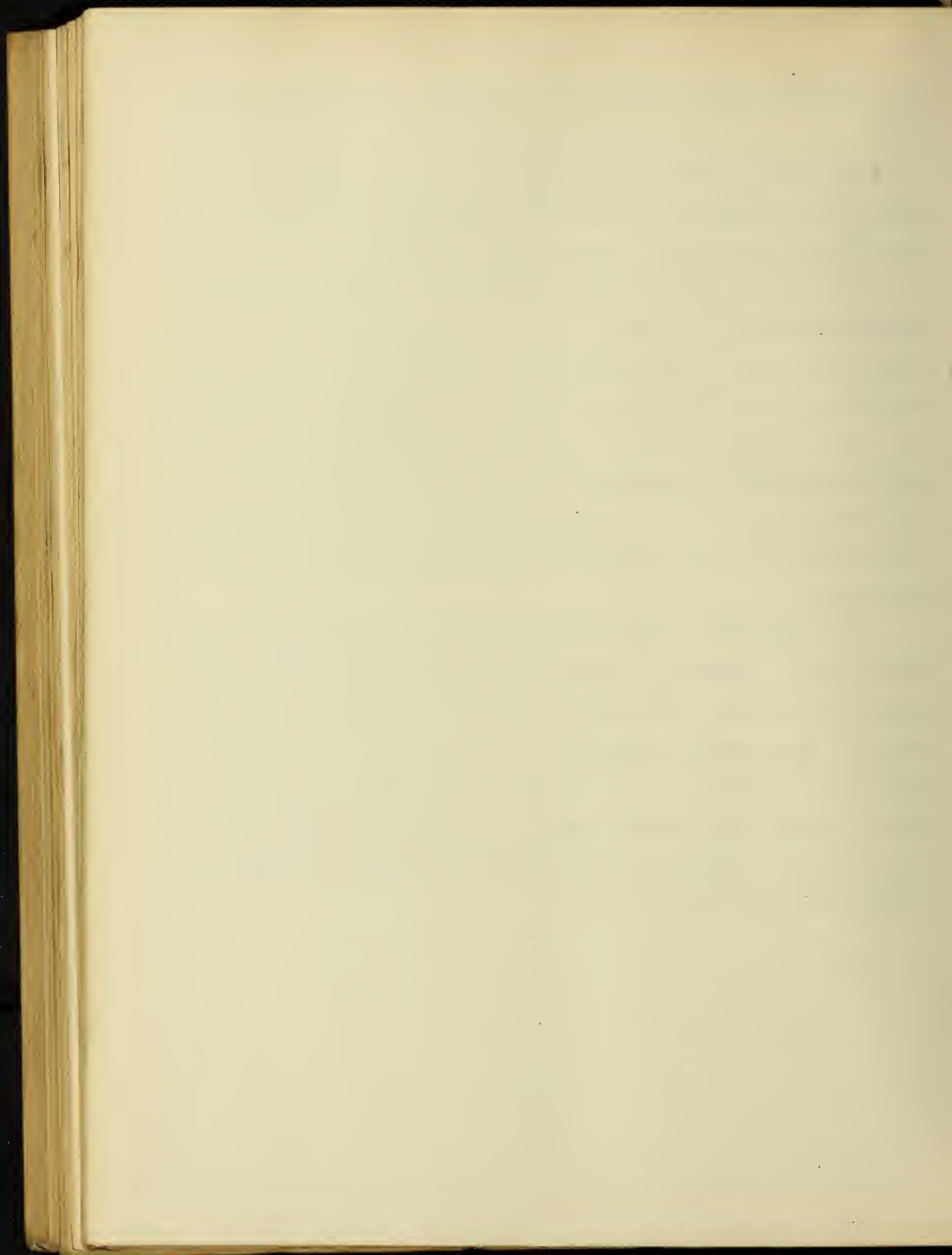


their respective ages of twenty-one, if males, and eighteen, if females.

And whereas, it the earnest desire of this Assembly that such children be educated in the principles of morality and religion, and instructed in reading, writing, and arithmetic, -

Be it further enacted by the authority aforesaid, that due and adequate satisfaction be made as aforesaid for such education and instruction. And for ascertaining the allowance for such support, maintenance, education, and instruction, the respective town councils are hereby required to adjust and settle the accounts in this behalf from time to time, as the same shall be exhibited to them; which settlement so made shall be final, and the respective towns by virtue thereof shall become liable to pay the sums therein specified and allowed.

And be it further enacted by the authority aforesaid, that all persons held in servitude or slavery, who shall be hereafter emancipated by those who claim them, shall be supported as other paupers, and not at the separate expense of the claimants, if they become chargeable; provided they shall be between the ages of twenty-one years, if males, and eighteen years, if females, and forty years and are of sound body and mind; which shall be judged and determined by the town council as aforesaid".



"Laws passed at Rutland,

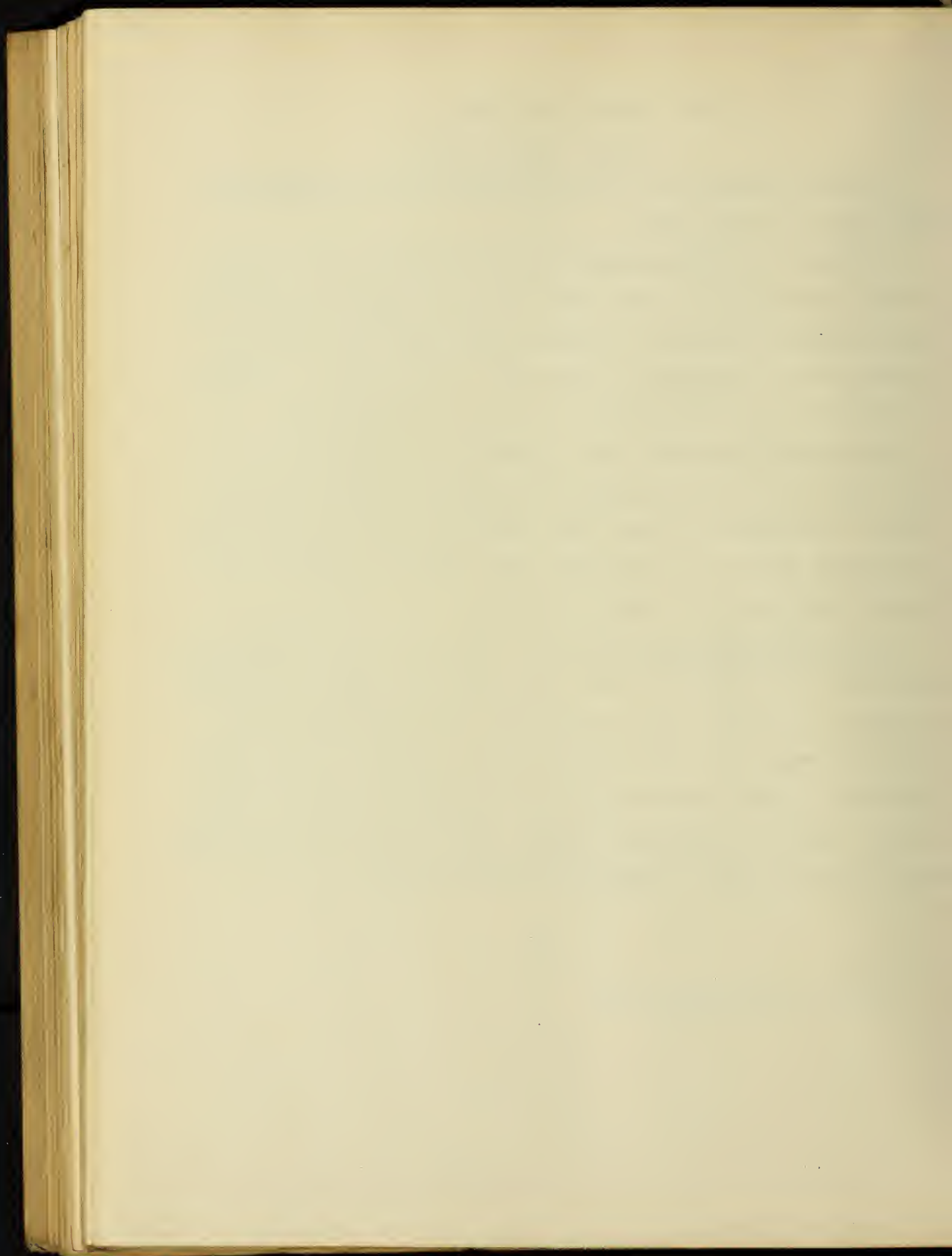
October Session, 1786.

An Act to prevent the sale and transportation of Negroes and Molattoes out of this State.

Whereas, by the constitution of this State, all the subjects of this commonwealth, of what ever colour, are equally entitled to the inestimable blessings of freedom, unless they have forfeited the same by the commission of some crime; and the idea of slavery is expressly and tot ally exploded from our free government.

And whereas, instances have happened of the former owners of Negro slaves in this commonwealth, making sale of such persons as slaves, notwithstanding their being liberated by the constitution; and attempts been made to transport such persons to foreign parts, in open violation of the laws of the land.

Be it therefore enacted, &c. that if any person shall, hereafter, make sale of any subject of this State, or shall convey, or attempt to convey, any subject out of this State, with intent to hold or sell such person as a slave; every person so offending, and convicted thereof, shall forfeit and pay to the persons injured, for such offence, the sum of one hundred pounds, and cost of suit; to be recovered by action of debt, complaint, or information".



APPENDIX TO CHAPTER VIII.

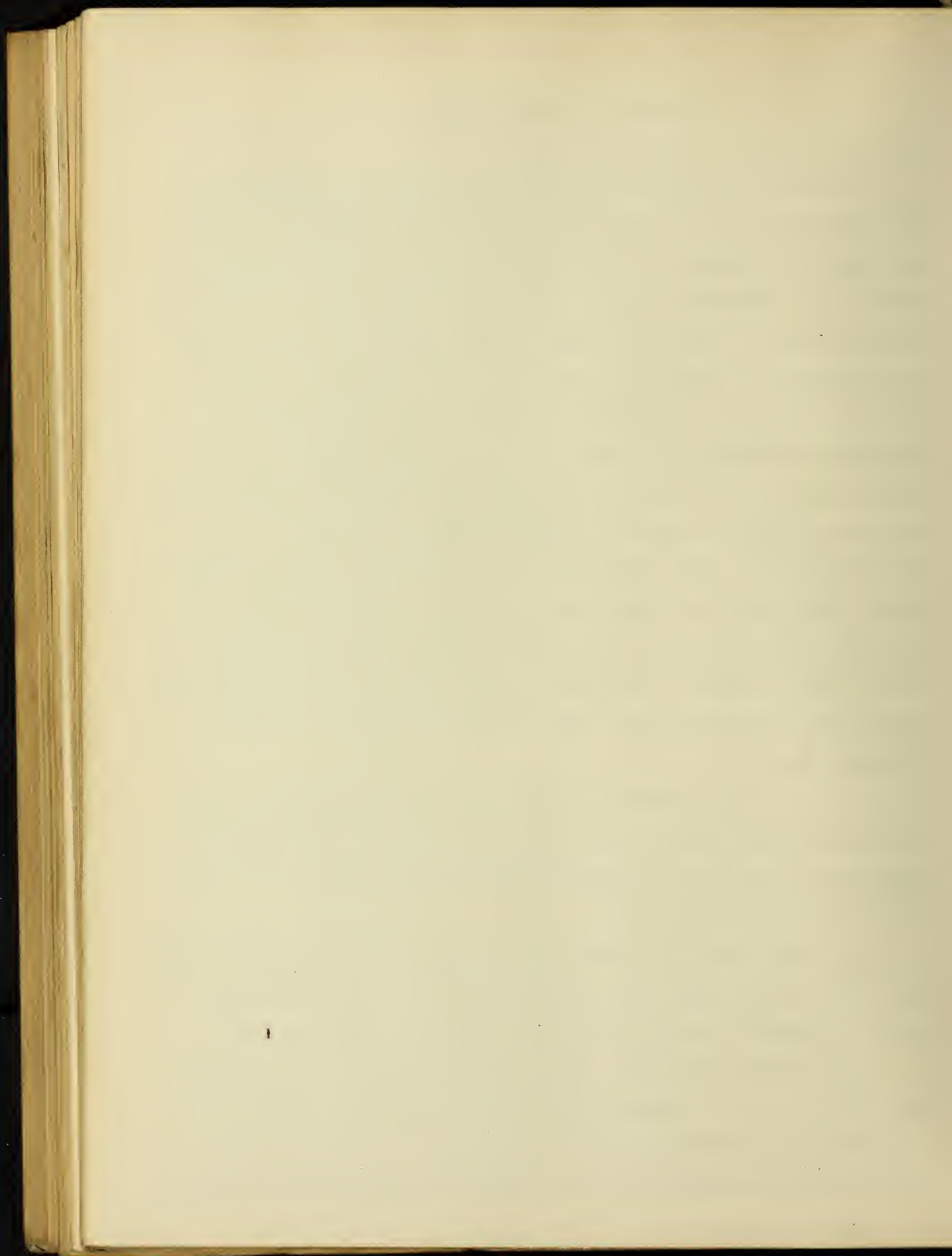
The second Monday in February, 1778.

"Whereas, for the preservation of the rights and liberties of the United States, it is necessary that the whole powers of government should be exerted in recruiting the Continental battalions; and whereas, His Excellency General Washington hath enclosed to this state a proposal made to him by Brigadier General Varnum, to enlist into the two battalions raised by this state such slaves as should be willing to enter into the service; and whereas, history affords us frequent precedents of the wisest, the freest, and bravest nations having liberated their slaves, and enlisted them as soldiers to fight in defence of their country; and also whereas, the enemy, with a great force, have taken possession of the capital, and of a greater part of this state; and this state is obliged to raise a very considerable number of troops for its own immediate defence, whereby it is in a manner rendered impossible for this state to furnish recruits for the said two battalions, without adopting the said measure so recommended.

It is voted and resolved, that every able-bodied negro, mulatto, or Indian man slave, in this state, may enlist into either of the said two battalions to serve during the continuance of the present war with Great Britain.

That every slave, so enlisting, shall be entitled to, and receive all the bounties, wages, and encouragements, allowed by the Continental Congress to any soldier enlisting into their service.

It is further voted and resolved, that every slave, so enlisting, shall, upon his passing muster before Col. Christopher Greene, be immediately discharged from the service of his master or mistress, and be absolutely free, as though he had never been encumber-



ed with any kind of servitude or slavery.

And in case such slave shall, by sickness or otherwise, be rendered unable to maintain himself, he shall not be chargeable to his master or mistress; but shall be supported at the expense of the state.

And whereas, slaves have been, by the laws, deemed the property of their owners, and therefore compensation ought to be made to the owners for loss of their service, -

It is further voted and resolved, that there be allowed, and paid by this state, to the owner, for every such slave so enlisting, a sum according to his worth; at a price not exceeding £120 for the most valuable slave; and in proportion for a slave of less value.

Provided, the owner of said slave shall deliver up to the officer, who shall enlist him, the clothes of the said slave; or otherwise he shall not be entitled to said sum.

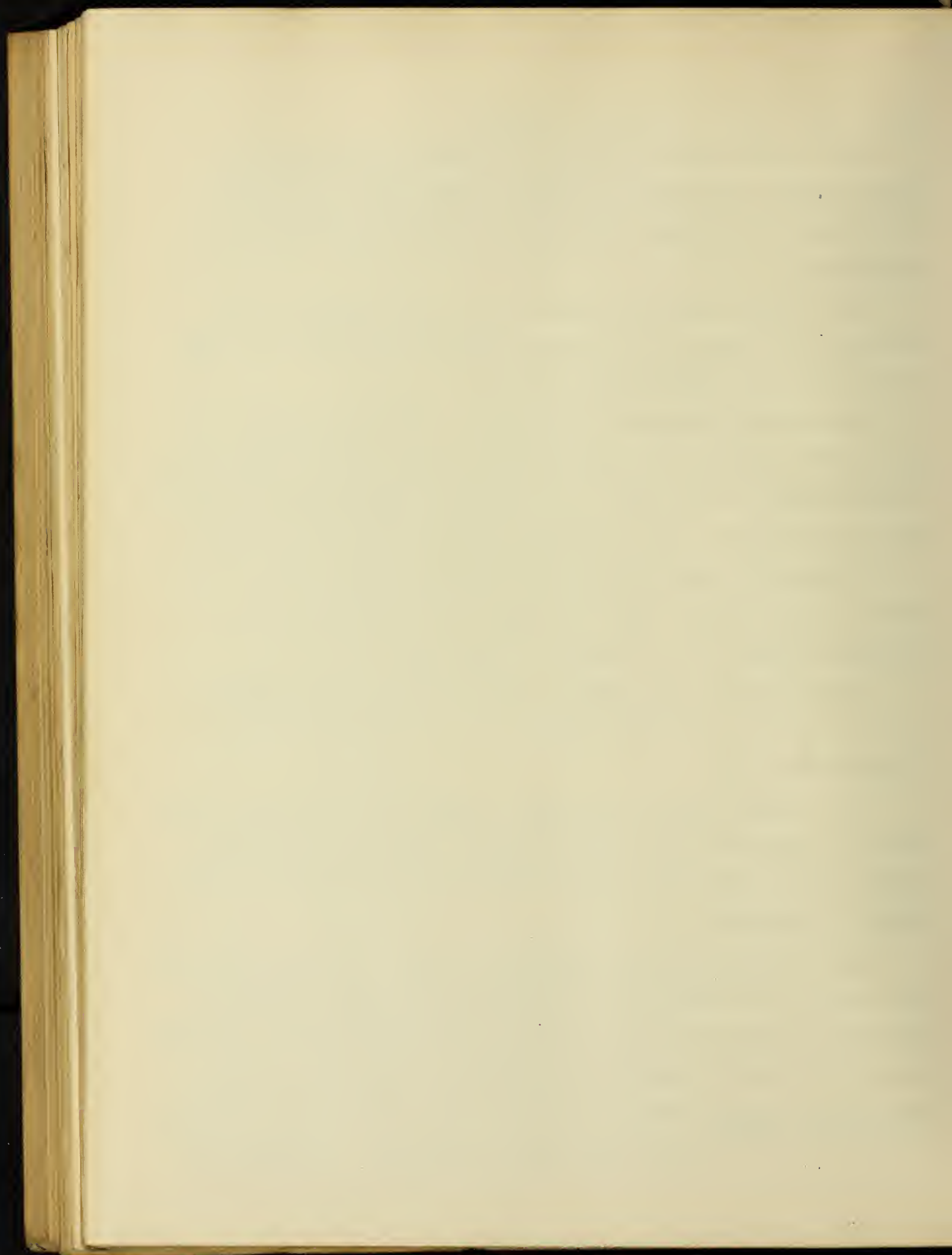
And for settling and ascertaining the value of such slaves, -

It is further voted and resolved, that a committee of five be appointed, to wit:

One from each county; any three of whom, to be a quorum, to examine the slaves who shall be so enlisted, after they shall have passed muster, and to set a price upon each slave according to his value, as aforesaid.

It is further voted and resolved, that upon any able-bodied negro, mulatto, or Indian slave, enlisting as aforesaid, the officer who shall so enlist him, after he shall have passed muster, as aforesaid, shall deliver a certificate thereof, to the master or mistress of such negro, mulatto, or Indian slave; which shall discharge him from the service

of his said master or mistress, as afore said.



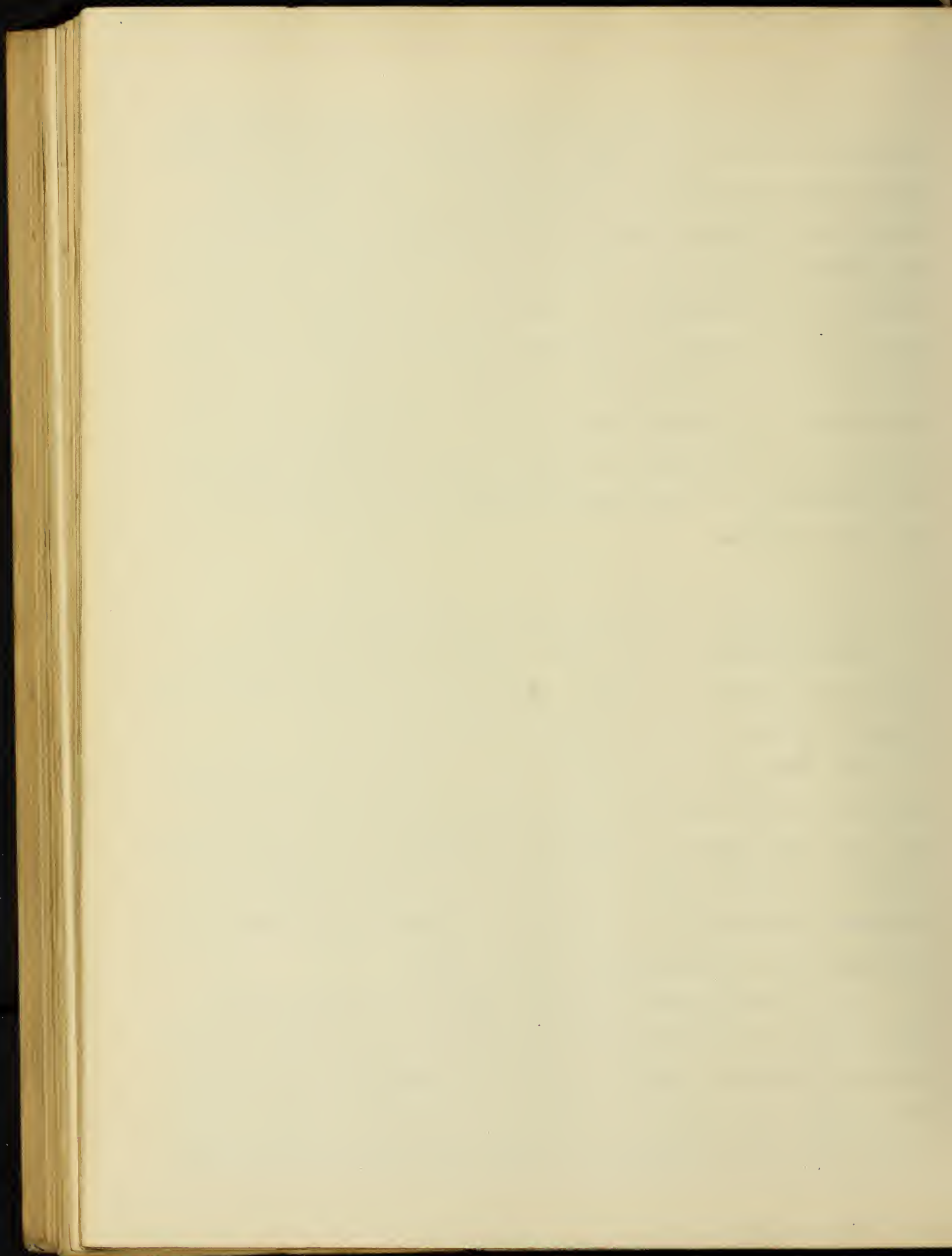
It is further voted and resolved, that the committee who shall estimate the value of any slave, as aforesaid, shall give a certificate of the sum at which he may be valued, to the owner of said slave; and the general treasurer of this state is hereby empowered and directed to give unto the said owner of the said slave, his promissory note, as treasurer, as aforesaid, for the sum of money at which he may be valued, as aforesaid, payable on demand, with interest at the rate of six per cent. per annum; and that said notes, which shall be so given, shall be paid with the money which is due to this state, and is expected from Congress; the money which has been borrowed out of the general treasury, by this Assembly, being first replaced.

Protest against Enlisting Slaves to Serve in the Army.

We, the subscribers, beg leave to dissent from the vote of the lower house, ordering a regiment of negroes to be raised for the Continental service, for the following reasons, viz.:

1st. Because, in our opinion, there is not a sufficient number of negroes, in the state who would have an inclination to enlist, and would pass muster, to constitute a regiment; and raising several companies of blacks, would not answer the purposes intended; and therefore the attempt to constitute said regiment would prove abortive, and be a fruitless expense to the state.

2d. The raising such a regiment, upon the footing proposed, would suggest an idea and produce an opinion in the world, that the state had purchased a band of slaves to be employed in the defense of the rights and liberties of our country, which is wholly inconsistent with those principles of liberty and constitutional govern-



ment, for which we are so ardently contending; and would be looked upon by the neighboring states in a contemptible point of view, and not equal to their troops; and they would therefore be unwilling that we should have credit for them, as for an equal number of white troops; and would also give occasion to our enemies that we are not able to procure our own people to oppose them in the field; and to retort upon us the same kind of ridicule we so liberally bestowed upon them, on account of Dunmore's regiment of blacks; or possibly might suggest to them the idea of employing black regiments against us.

3d. The expense of purchasing and enlisting said regiment, in the manner proposed, will vastly exceed the expenses of raising an equal number of white men; and at the same time will not have the like good effect.

4th. Great difficulties and uneasiness will arise in purchasing the negroes from their masters; and many of the masters will not be satisfied with any prices allowed.

John Northup,

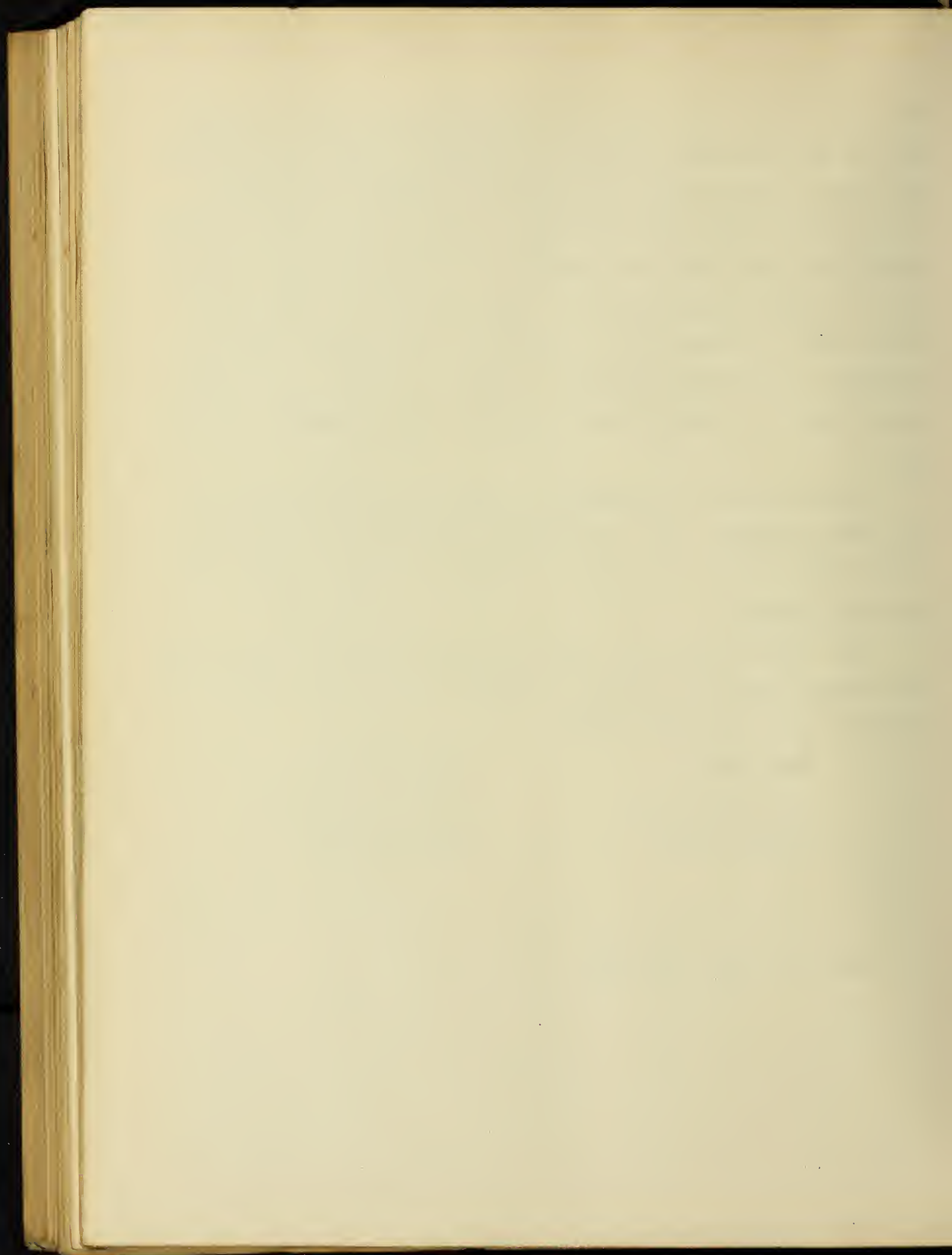
George Peirce,

James Babcock, Jr.,

Sylvester Gardner,

Othniel Corton,

Samuel Babcock".

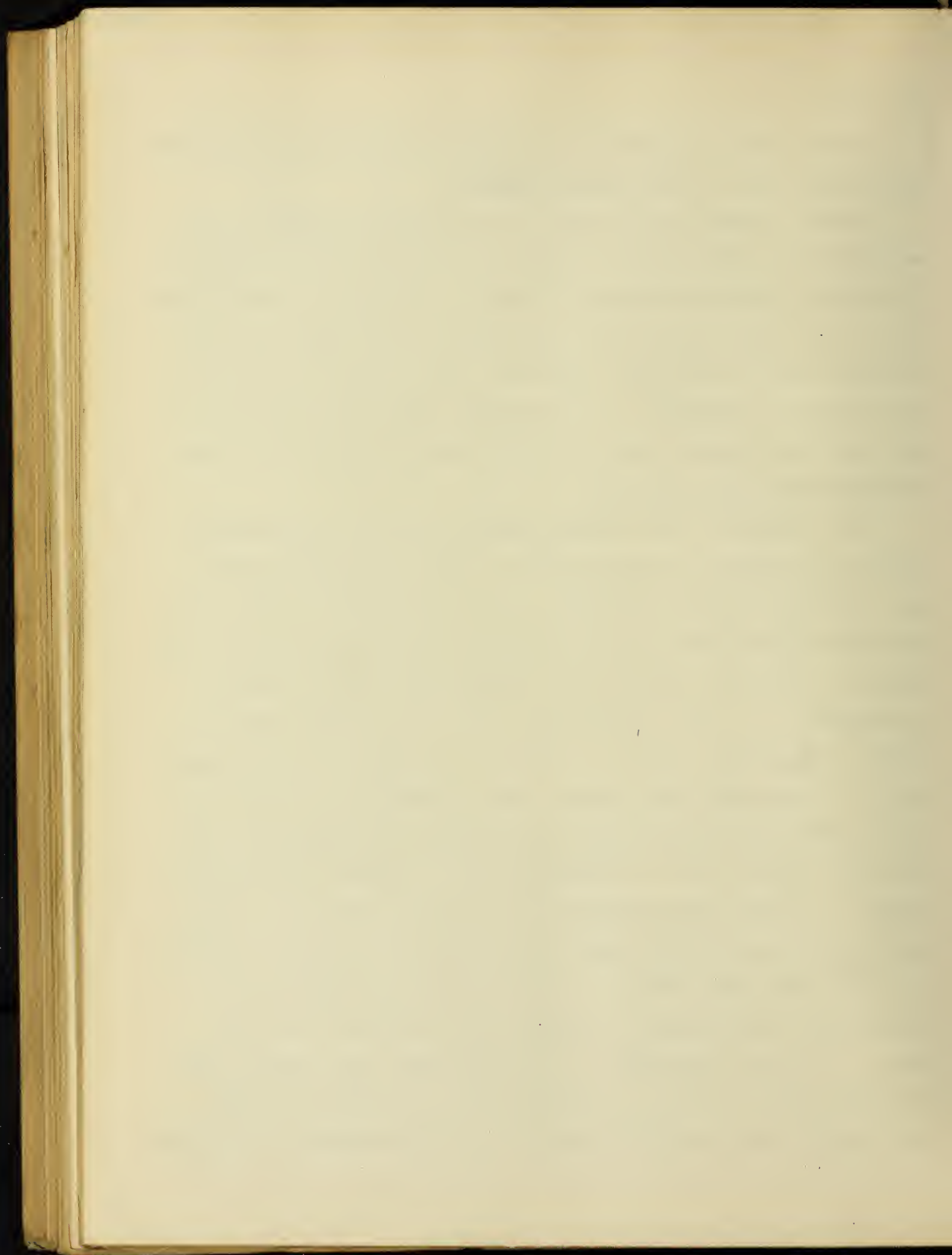


Feb. 1785.

"An Act for the support of the paupers who heretofore were slaves, and enlisted into the Continental ~~battalion~~.

Whereas, during the late war, it was thought expedient by the legislature to raise a corps to serve in the Continental ~~battalions~~, by enlisting the slaves within this state; and whereas, since disbanding the said corps, many of the said soldiers have become sick, and otherwise unable to maintain themselves; and as they have gained no legal place of settlement, it is necessary that provision should be made for their support, and that no particular town should be overburthened with them: therefore,

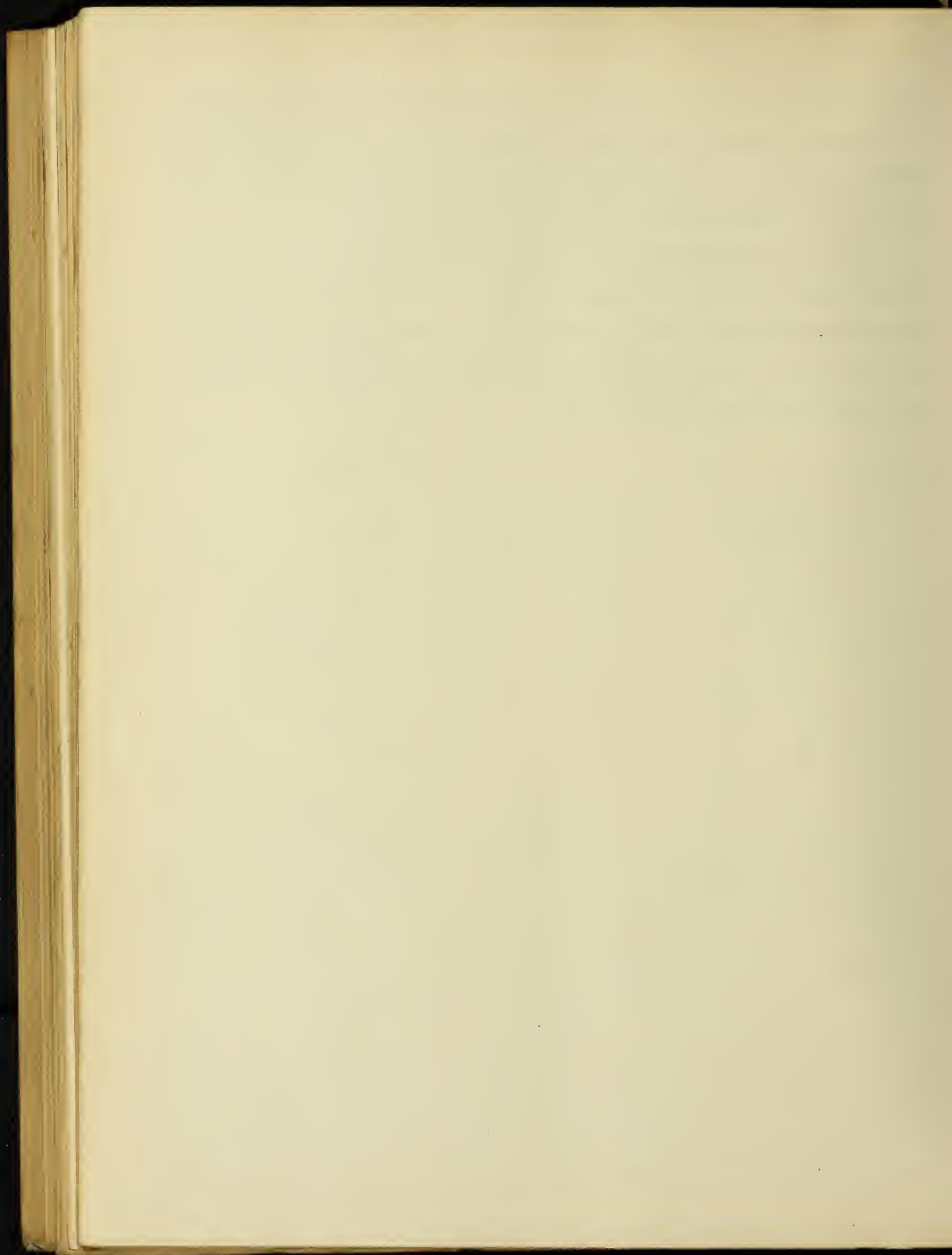
Be it enacted by this General Assembly, and by the authority thereof it is enacted, that when and so often as it shall happen, that any Indian, negro, or mulatto, who was heretofore a slave, and enlisted into and served in the Continental battalions in pay of this state, by virtue of an act of this Assembly passed at the session in February, A. D. 1778, shall become sick, or otherwise unable to support and maintain himself, it shall be the duty of the town council of the town where such Indian, negro or mulatto, who was heretofore a slave, and enlisted into the Continental battalions as aforesaid, and shall ~~be~~ sick, or otherwise unable to support and maintain himself, to direct the overseers of the poor of such town to take care of and to provide for such sick or poor Indian, negro or mulatto, in the same way, and with the same economy and frugality, as though such Indian, negro, or mulatto was a pauper of the said town. And the town council of the town where such Indian, negro or mulatto shall be sick, or otherwise poor, and unable to maintain himself, shall adjust the accounts of such overseers of the poor,



for the maintenance or support of such sick or poor Indian, negro, or mulatto, who was heretofore a slave, and lay the same before the General Assembly. And if such accounts are reasonable, just, and right, they shall be paid out of the general treasury.

And be it further enacted, that whenever and so often as it shall happen, that such Indian, negro, or mulatto shall be supported in any other way than is herein before prescribed, it shall be at the proper cost and charge of the person or persons who shall keep and provide for him or them".

R. I. Col. Rec. X, 85.



BIBLIOGRAPHY.

1. Documents relating to the Colonial History of the State of New York, procured in Holland, England, and France, by John Romeyn Brodhead, Esq., Agent. Edited by E. B. O'Callaghan, M. D., LL. D. Fourteen volumes. Albany: Weed, Parsons and Company, Printers. 1856.

2. Collections of the New-York Historical Society for the Year 1878. New-York: MDCCCLXXIX.

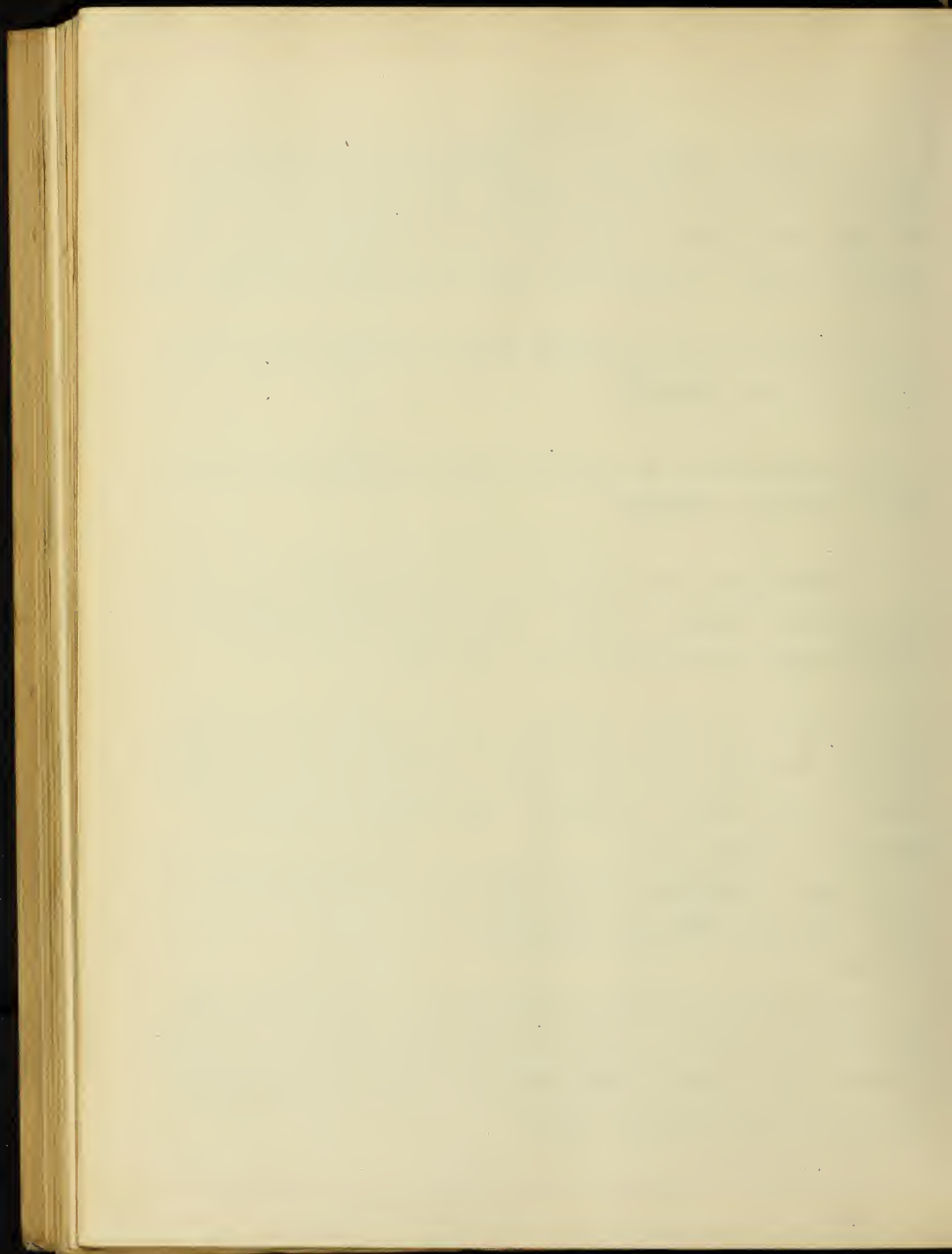
3. Collections of the New-York Historical Society for the Year 1880. New-York: MDCCCLXXXI.

4. Report of the State Historian of the State of New York. Colonial Series. volumes I and II. Wynkoop Hallenbeck Crawford Co. State printers, Albany and New York. 1897, 1898.

5. Laws of the State of New-York, comprising The Constitution, and the Acts of the Legislature since the Revolution, from the First to the Twelfth Sessions, inclusive. Two Volumes. New-York: Hugh Gaine. M,DCC, LXXXIX.

6. Laws of New-York, from The year 1691, to 1773 inclusive. Vol. 1. New-York: Hugh Gaine, MDCCLXXIV.

7. Records of the Colony of Rhode Island and Providence Plantations in New England. Edited by John Russell Bartlett, Secretary of State. Ten volumes. Providence, R. I. A. Crawford Greene and Brother, State printers. 1856.



8. The Acts and Resolves (Public and Private) of the Province of the Massachusetts Bay. Boston: Wright & Potter, Printers to the State, 79 Milk St. (Corner of Federal). Two volumes. Vol. I 1869, Acts 1692-1714; Vol. II. 1874, Acts 1715-1741.

9. Massachusetts Historical Collections, Volumes V, VI, VII, Fifth Series. Boston: Published by The Society. MDCCCLXXVIII et seq.

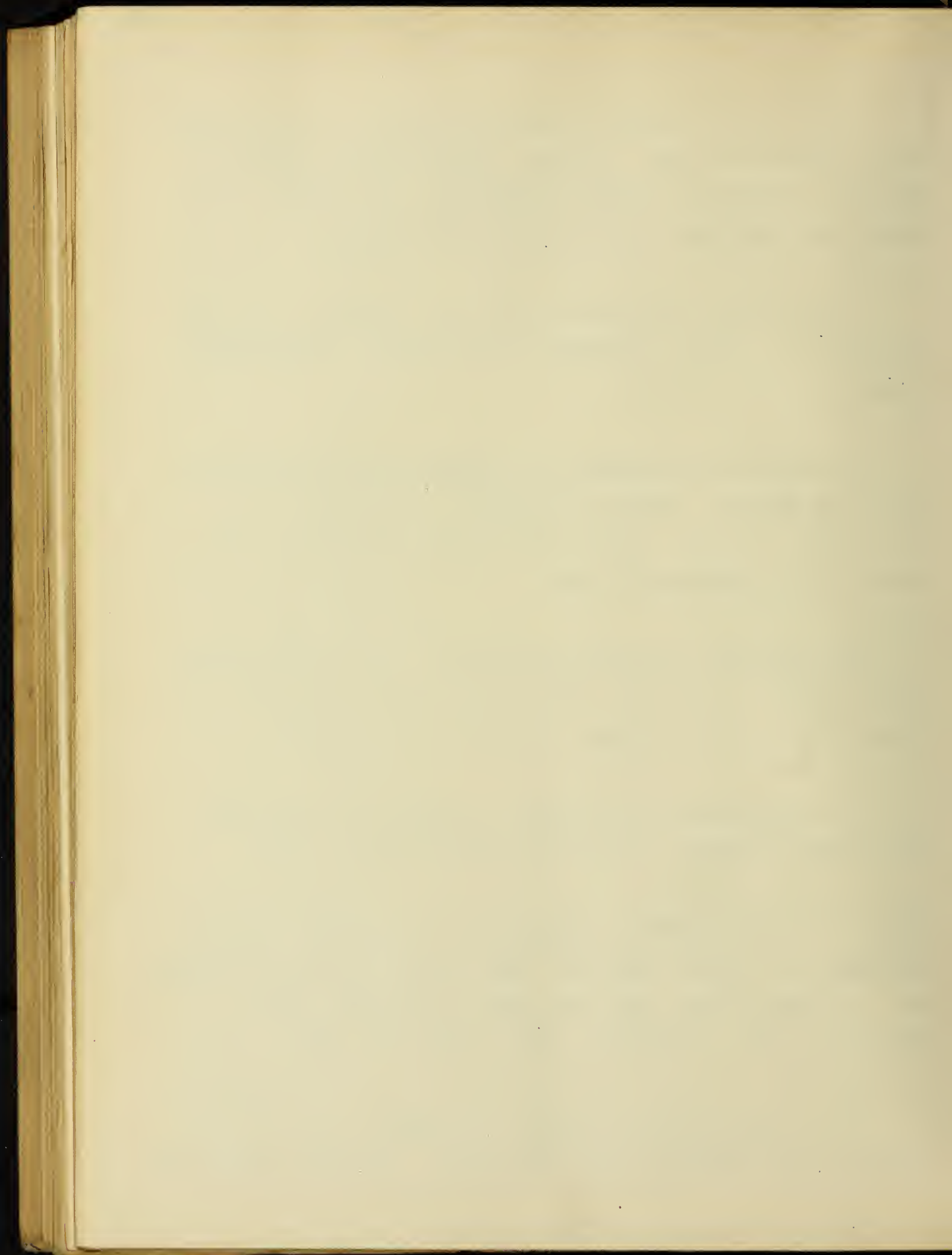
10. Records of the Governor and Company of the Massachusetts Bay in New England. Edited by Nathaniel B. Shurtleff, M. D. Five volumes, to 1686. Boston: From the Press of William White, Printer to the Commonwealth. 1853.

11. Connecticut Historical Collections. John Warner Barber. Second Edition. New Haven: Published by Durrie & Peck and J. W. Barber, Price - Three dollars. Printed by B. L. Hamlen.

12. Public Records of the Colony of Connecticut. 1636-1665. By J. Hammond Trumbull. Hartford: Brown & Parsons. 1850.

13. Colonial Records of Connecticut. By J. Hammond Trumbull and Charles J. Hoadly. Hartford: Press of Case, Lockwood and Brainard. 1678-1689, 1859; 1706-1716, 1870; 1735-1743, 1874; 1744-1750, 1876; 1768-1772, 1885; 1772-1775, 1887.

14. Provincial Papers, Documents, and Records relative to the Province of New Hampshire from 1722 to 1737. Nathaniel Bouton, D.D.



Manchester: John B. Clarke, State Printer, 1870.

15. Vermont State Papers. William Slade, Jr. Sec. of State.
Middlebury: J. W. Copeland, Printer, 1823.

16. Select Charters and other Documents illustrative of American History. 1606-1775. Edited with notes by William Macdonald.
New York. The Macmillan Company. 1899.

17. Publications of the American Statistical Association.
Volume V, Nos. 33-40. 1896-1897. Boston: J. P. Shults, Printer, 105
Summer Street, 1897.

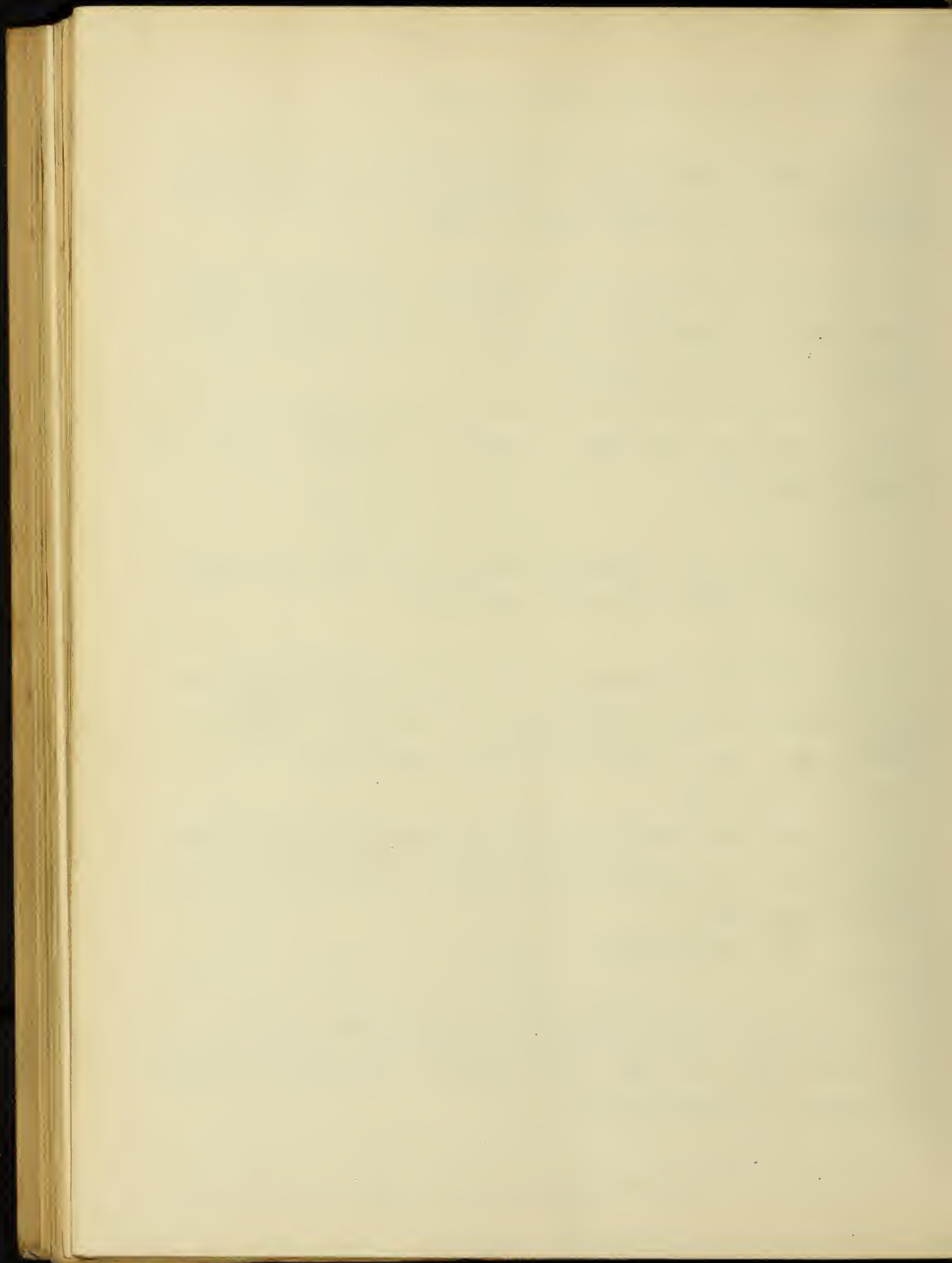
18. The Magazine of American History with notes and queries.
A, S, Barnes & Company. New York and Chicago.

19. The Historical Magazine and Notes and Queries Concerning
the Antiquities, History, and Biography of America. Vols. I-IX
Second Series; Vols. I-III Third Series. Morrisania, N. Y.
Henry B. Dawson. 1867.

20. The Annual Register, Or a View of the History, Politicks,
and Literature, For the Year 1769. London: Printed for J. Dodsley,
in Pall-Mall, 1770.

Ibid for 1776.

21. The New-England Historical and Genealogical Register.
Vol. XXIX. 1875. Vol. XXXI. 1877. Boston: Published at the Society's House, 18 Somerset Street.



22. The Granite Monthly. Volume Six. Concord, M. H. : John N. McClintock, Editor and Publisher. Evans, Sleeper and Woodbury, Printers. 1883.

23. The American Historical Record and Repertory of Notes and Queries. Edited by Benson J. Lossing, LL. D. Vol. I. Philadelphia: Chase & Town, Publishers, 142 South Fourth Street. 1872.

24. Correspondence of the American Revolution; being Letters of Eminent Men to George Washington. Edited from the original manuscripts by Jared Sparks. Four Volumes. Boston: Little, Brown, and Company. 1853.

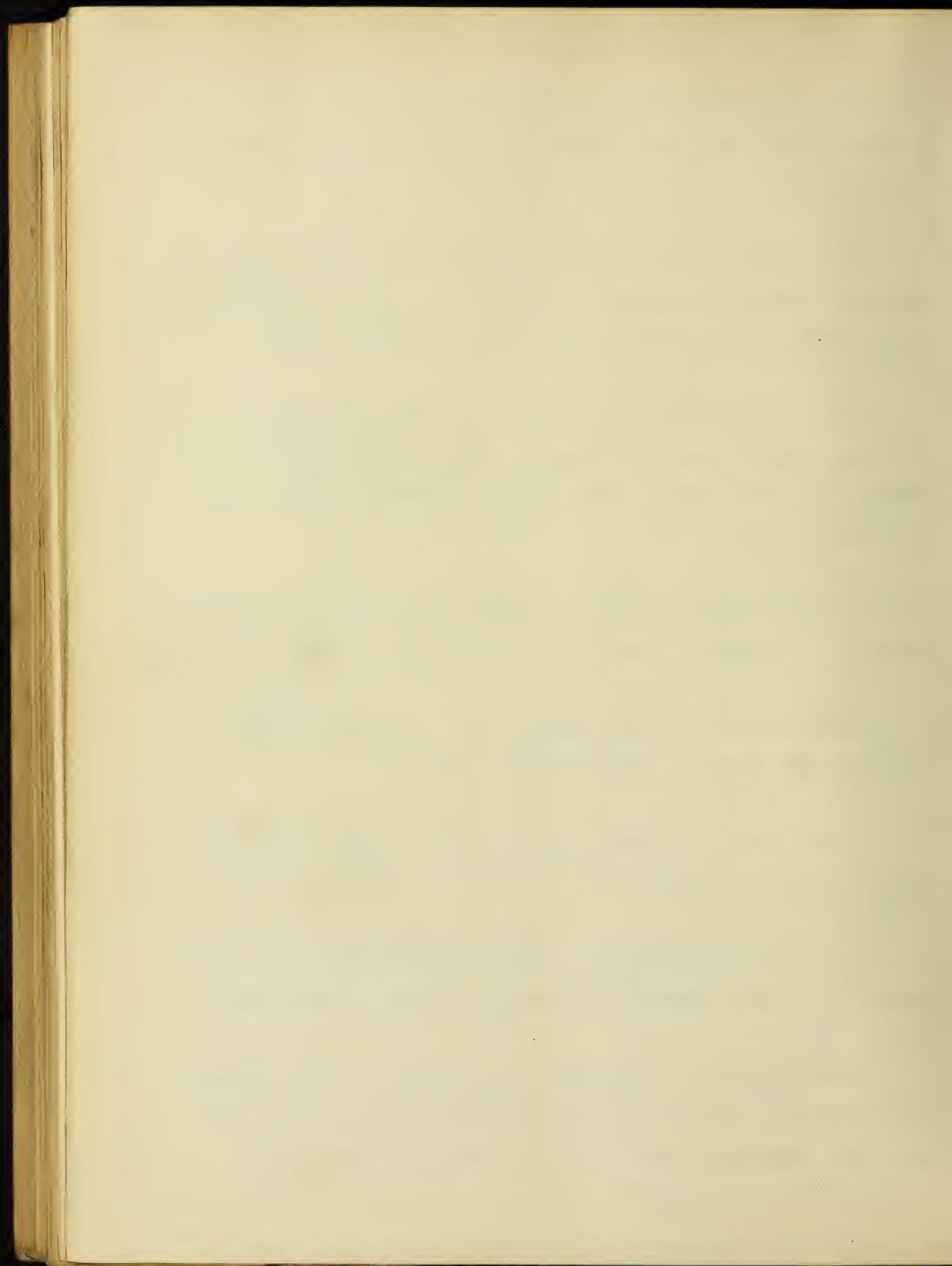
25. Adams, Charles Francis - The Life and Works of John Adams. Volumes I-X. Boston: Little, Brown and Company. 1856.

26. The Works of George Berkeley, D.D. In Three Volumes. London: J. F. Dove, St. John's Square. 1820.

27. The Works of Edmund Burke. In Three Volumes. New York: Harper & Brothers. 1860.

28. Marquis de Chastellux - Travels in North-America, in the Years 1780, 1781, and 1782. Two Volumes. London: MDCCCLXXXVII.

29. Du Bois, W. E. Burghardt, Ph. D. (Harv.) - The Suppression of the African Slave-Trade to the United States of America 1638-1870. New York Longmans, Greene, and Co. London and Bombay 1896.



30. Inlay, Gilbert - A Topographical Description of the Western Territory of North America. London: 1797.

31. Jefferys, Thomas, Geographer to His Royal Highness the Prince of Wales - The Natural and Civil History of the French Dominions in North and South America. Collected from the best Authorities, and engraved by T. Jefferys. London, Printed for Thomas Jefferys at Charing-Cross. MDCCLX.

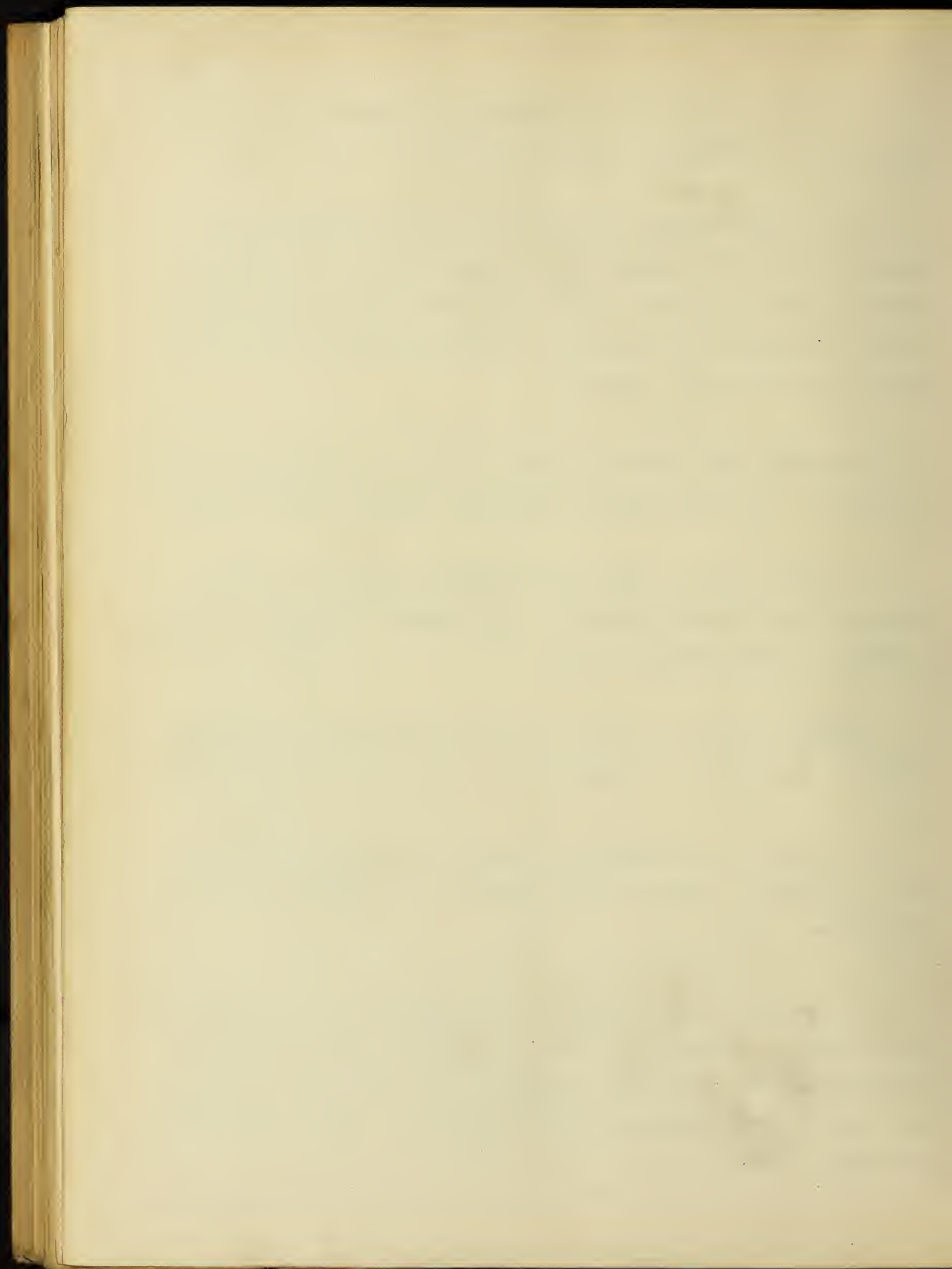
32. Lodge, Henry Cabot - A Short History of the English Colonies in America. New York Harper & Brothers, Franklin Square 1882.

33. Moore, Frank - Diary of the American Revolution. From Newspapers and Original Documents. Two volumes. New-York: Charles T. Evans, No. 448 Broadway. 1863

34. Moore, George H. - Notes on the History of Slavery in Massachusetts. New-York D. Appleton & Co. 443 & 445 Broadway. 1866.

35. Niles, H. - Principles and Acts of the Revolution in America. Baltimore: Printed and published for the editor, by William Ogden Niles. 1822.

36. Sprengel, M. C., Professor der Geschichte auf der Universität zu Halle, - Allgemeines historisches Taschen buch oder Abriss der merkwürdigsten neuen Welt = Begebenheiten enthaltend für 1784 die Geschichte der Revolution von Nord-America. Berlin, bey Haude und Spener. 1784.



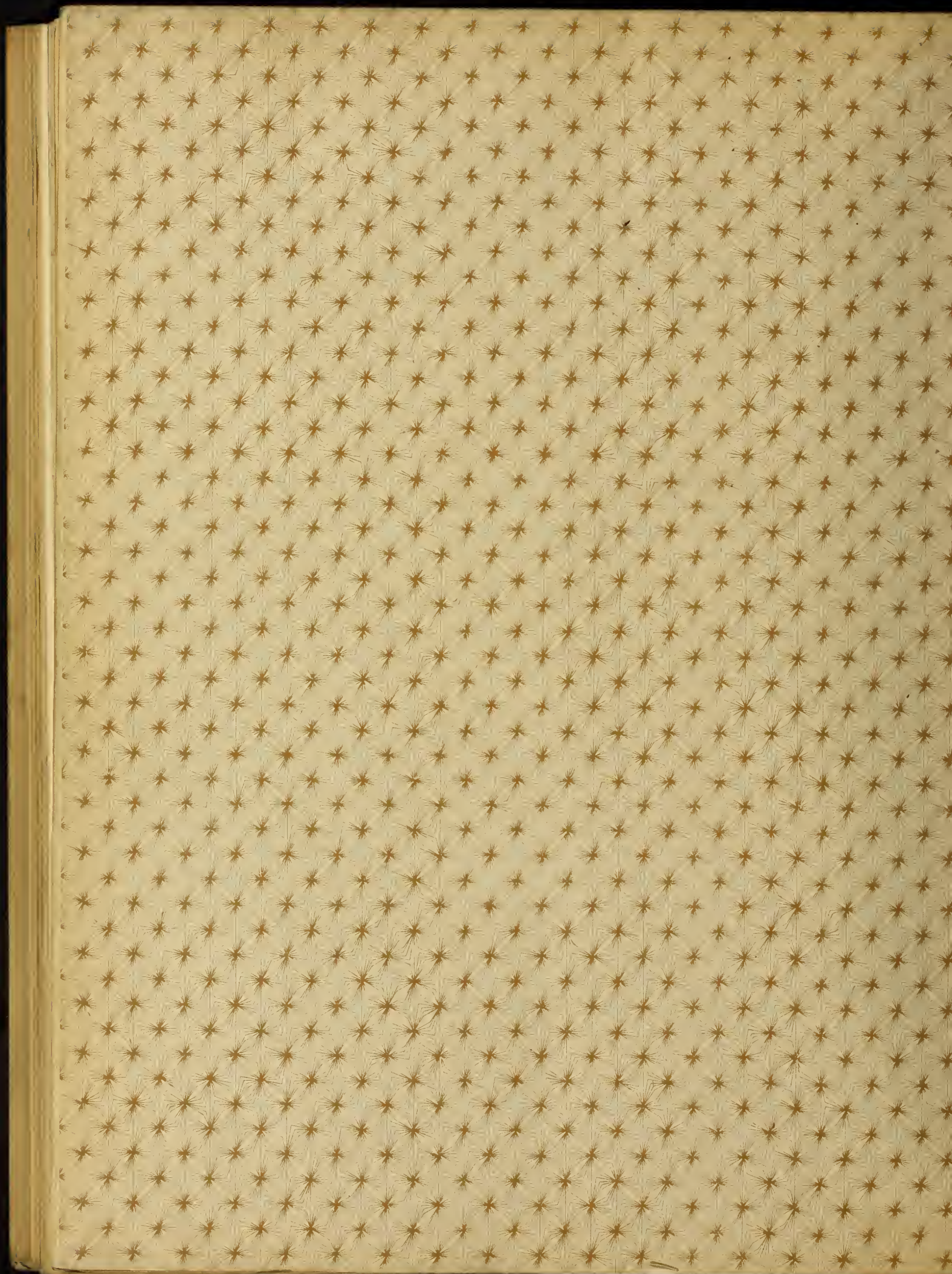
37. Thacher, James, M. D. - A Military Journal during the American Revolutionary War, from 1775 to 1783. Boston: Published by Cottons & Barnard, 184, Washington-Street. 1827.

38. von Holst, Dr. H. - Constitutional and Political History of the United States. 1750-1832. Chicago: Callaghan and Company. 1876.

39. Weeden, William B. - Economic and Social History of New England 1620-1789. Two Volumes. Boston and New York: Houghton, Mifflin and Company. 1891.

40. Sixth Biennial Report of the North Carolina Board of Health.

41. Sydow-Wagners Methodischer Schul-Atlas. von Hermann Wagner. Gotha. Justus Perthes. 1900.





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